



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.01.2020

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.574 of 2019

WEB COPY

1.R.Yogalakshmanan
2.V.Prabhu

: Appellants/Petitioner/A2 and A3

Vs.

1.The Deputy Superintendent of Police,
Tiruchuli,
Virudhunagar District.

2.Thangapandian

(R2 implied as per the order of this
court, dated 2.12.2019 in Crl.MP(MD)
No.10598 of 2019 in Crl.A(MD)No.574
of 2019)

: Respondents/Complainants

Prayer: Criminal Appeal filed under section 14-A(2) of SC/ST (POA) Act, 1989 against the judgment, dated 20.11.2019 made in Crl.MP No.1577 of 2019 on the file of the Special Court for exclusive trial of SC/ST Cases, Virudhunagar at Srivilliputhur.

For Revision Petitioner : Mr.C.Jeganathan
for M/s.Veera Associates

For 1st Respondent : Mr.A.Robinson
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.Sivabalan for
Mr.B.Anandan

O R D E R

This criminal appeal is directed against the order, dated 20.11.2019 passed in Crl.MP No.1577 of 2019 by the Sessions Judge, Special Court for exclusive trial of SC/ST Cases, Virudhunagar at Srivilliputhur.

2.The case of the prosecution is that on 15.10.2019, the de-facto complainant along with the people said to have conducted festival and at that time, the car of A1 passes through the gathering in which, the people said to have warned and made to drive slow and keeping the above said act in the mind and on 28.10.2019 at 4.25 p,m when the de-facto complainant returning from the farm, A1



and A2 along with unidentified 5 persons said to have attacked the de-facto complainant with deadly weapons and when the people intercepts, the accused persons ran away and in the incident, the de-facto complainant sustained injuries.

3.The learned counsel appearing for the appellants/A2 and A3 argued that the allegations made against the appellants are vague in nature and in the FIR, two accused name has been registered and later the case has been foisted against other two accused, which shows that the act of the respondent is illegal and that the the appellants are in jail since 28.10.2019 and prays that the appellants may be released on bail, by setting aside of the trial court.

4.On the other hand, the learned Government Advocate (Criminal side) appearing for the first respondent and the learned counsel appearing for the 2nd respondent/de-facto complainant submitted that the first appellant attacked the de-facto complainant with aruval on his head and the 2nd appellant attacked the de-facto complainant with wooden log on his head and they are having previous antecedents and if they are released on bail, they will tamper the evidence and prays for dismissal of criminal appeal

5.However, considering the above facts and circumstances of the case and also considering the fact that the appellants/A2 and A3 are in jail since 29.10.2019, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 20.11.2019, passed in Cr.M.P.No.1577 of 2019 by the learned Sessions Judge, Special Court for Exclusive trial of SC/ST Act cases, Virudunagar.

6.Accordingly, the Criminal Appeal is **allowed** and the order, dated 20.11.2019, passed in Cr.M.P.No.1577 of 2019 by the learned Sessions Judge, Special Court for Exclusive trial of SC/ST cases, Virudhunagar at Srivilliputhur, is set aside. The appellants/A2 and A3 are ordered to be released on bail on their each executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge and on further condition that the **appellants/A2 and A3 shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, Madurai District, daily at 10.30 am and 05.00 am until further orders.**

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To,

- 1.The Sessions Judge,
Special Court for exclusive trial of SC/ST Cases,
Virudhunagar at Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Tiruchuli, Virudhunagar District.
- 3.The Inspector of Police,
Tallakulam Police Station, Madurai District.
- 4.The Officer-In-Charge,
District Prison, Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.A(MD)No.574 of 2019
07.01.2020

JMN(07.01.2020) 3P : 6C