



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 27.01.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.11 of 2021

Kartheeswaran,
S/o.Jeyapandi

.. Appellant / Petitioner /
Accused No.2

Vs.

State through,
1.The Deputy Superintendent of Police,
Melur, Madurai District.

2.The Inspector of Police,
Melur Police Station,
Madurai District.

In Crime No.2126 of 2020. .. Respondents 1 and 2/ Complainant

3.Sevugamani .. 3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste/Scheduled Tribes Act, 1989, as amended by Act 1 of 2016, to call for the records relating to the order passed in Crl.M.P.No.895 of 2020 dated 31.12.2020 on the file of the learned IIIrd Additional District and Sessions Judge (PCR Court), Madurai and to set aside the same and grant bail to the appellant.

For Appellant : Mr.S.Sukumar

For Respondents 1 and 2 : Mr.S.Chandrasekar

Government Advocate

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.895 of 2020 dated 31.12.2020, on the file of the learned IIIrd Additional District and Sessions Judge (PCR Court), Madurai and to grant bail to the appellant.

2.The case of the appellant is that the appellant and others trespassed into the shop of the defacto complainant and attacked him with weapons and caused injuries and threatened them to commit murder. A case in Crime No.2126 of 2020 was registered against the appellant under Sections 448, 294(b), 341, 324, 307, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act by



the second respondent Police. The appellant was arrested and he filed a bail petition in Crl.M.P.No.895 of 2020 before the Sessions Court. The Sessions Court dismissed the petition. Against which, the appellant has preferred this appeal.

3.On the side of the appellant, it is stated that the appellant is in custody for more than sixty days. The occurrence is said to have taken place within the four walls of shop. There could not be an offence under the Scheduled caste and the Scheduled Tribes Act. It is further stated that the other accused were granted bail and that the appellant is A2 in the case and prayed the petition to be allowed.

4.On the side of the respondents 1 and 2, it is stated that A3 and A4 are still absconding. The investigation is under progress. Already this appellant is having similar previous case in Crime No.303 of 2019 and he was detained under the Goondas Act in D.No.1 of 2021 and prayed the petition to be dismissed.

5.Though the name of the third respondent was printed in the cause list, none appears on behalf of the third respondent.

6.It is seen that the appellant is having previous case of similar nature and that the appellant is detained under Goondas Act. Considering the fact that the petitioner is in custody for the past 60 days, this Criminal Appeal is allowed and the appellant is ordered to be released on bail subject to the result of the proceedings under the Goondas Act on the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned IIIrd Additional District and Sessions Judge(PCR Court), Madurai.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned IIIrd Additional District and Sessions Judge(PCR Court), Madurai, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall appear before the second respondent daily at 10:30 a.m, until further orders.
- (iv) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellant shall cooperate with the investigation and the appellant shall appear before the second respondent and Court both during investigation and trial, as and when



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required.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Additional District and Sessions Judge, (PCR Court) Madurai.
- 2.The Deputy Superintendent of Police,
Melur, Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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sgs (CO)

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