



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 04.03.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

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Crl.A.(MD)No.81 of 2021

1.Ashok Kumar
2.Palani @ Palani Kumar.. Appellants/Petitioners/Accused No.1 and 3

Vs.

1.State represented by,
Deputy Superintendent of Police,
Natchiyar Kovil Police Station,
Thanjavur District.

2.The Inspector of Police,
Natchiyar Kovil Police Station,
Thanjavur District.
(Crime No.50 of 2021) ...Respondents/Complainants

3.Mathiyazhagan .. Respondent/Defacto Complainant/Victim

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, as amended by Act 1 of 2016, to set aside the dismissal order passed by the trial Court in Cr.M.P.No.70 of 2021 dated 02.02.2021 on the file of the 1st Additional District and Sessions Court, (PCR), Thanjavur and to enlarge the appellants on bail on Crime No.50 of 2021 on the file of the second respondent Police.

For Appellants : Mr.Arun Prasad

For Respondents 1 and 2 : Mrs.S.Bharathi, Government Advocate

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.70 of 2021 dated 02.02.2021, on the file of the learned 1st Additional District and Sessions Judge, (PCR), Thanjavur and to grant bail to the appellants.

2.The case against the appellants is that due to previous election motive, the appellants assaulted the victim and caused head injury. A case in Crime No.50 of 2021 was registered against the appellants under Sections 341, 324, 307, 294(b) of IPC and Sections 3(1)(r)(s), 3(2)(v) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act by the second respondent Police. The appellants have filed a bail petition in Crl.M.P.No.70 of 2021 before the



learned I Additional District and Sessions Judge, (PCR), Thanjavur. The petition was dismissed by the Sessions Court. Against which, the petitioner has preferred this appeal.

3. On the side of the appellants, it is stated that due to election motive, there was a shuffle between the appellants' party and others. The appellants are in custody for the past 30 days. A2 was already released on bail. The appellants are A1 and A3 in the case. The appellants voluntarily surrendered themselves before the Court on 29.01.2021 and prayed the appellants to be released on bail.

4. On the side of the respondents 1 and 2, it is stated that the first appellant attacked the victim with aruval on his forehead and caused head injury and the major offence levelled against the appellants is under Section 307 of IPC and there is specific overt act against the A1 and A3 and prayed the appeal 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 A2 who was having similar overt act, was already released on bail. The appellants surrendered themselves before the Court and are in custody for the past 33 days. In view of the above, this Criminal Appeal is allowed and the appellants are ordered to be released on bail on the following conditions:

- (i) the appellants 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 Judicial Magistrate, Thiruvidaimaruthur.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate Thiruvidaimaruthur, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellants shall appear before the second respondent daily at 10:30 a.m, until further orders.
- (iv) the appellants shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellants shall cooperate with the investigation and the appellants shall appear before the second respondent and Court both during investigation and trial, as and when required.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court



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is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants 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

// 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 1st Additional District and Sessions Court(PCR),
Thanjavur.

2.The Judicial Magistrate, Thiruvidadaimaruthur.

3.The Deputy Superintendent of Police,
Natchiyar Kovil Police Station,
Thanjavur District.

4.The Inspector of Police,
Natchiyar Kovil Police Station,
Thanjavur District.

5.The Superintendent,
Central Prison,
Trichy.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

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