



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. A. (MD)N.110 of 2021

1.Ramakrishnan
2.Muthukalai

.. Appellants/Accused Nos.1 & 2

Vs.

1.State Represented by
The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.953 of 2020.

... 1st & 2nd Respondent/Complainant

3.M.Madasamy

.. 3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14(A) (1) of the Schedule Castes and Tribes Prevention of Atrocities Act, 2015, as amended by Act 1 of 2016, to set aside the order, dated 09.02.2021 made in Cr.M.P.No.117 of 2021 in S.C.No.9 of 2021 in Crime No.953 of 2020, on the file of the Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi and enlarge the appellant on bail.

For Appellants

: Mr.M.Prabhu

For Respondents 1 and 2

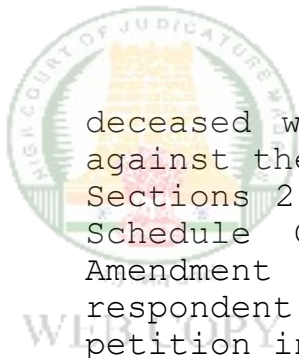
: Mr.S.Chandrasekar

Additional Public Prosecutor

JUDGMENT

This appeal has been filed to set aside the order, dated 09.02.2021, made in Cr.M.P.No.117 of 2021 in S.C.No.9 of 2021 in Crime No.953 of 2020, on the file of the Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi and to enlarge the appellant on bail.

2.The allegation against the appellants is that on 05.08.2020, the appellants and other persons abused the deceased with filthy language mentioning his caste name and attacked the



deceased with aruval and caused his death. A case was registered against the appellants in Crime No.953 of 2020 for the offence under Sections 294(b), 302 and 506(ii) of IPC and Sections 3(2)(v) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act 2015 and the appellants were arrested by the respondent police. Subsequently, the appellants filed a bail petition in Cr.M.P.No.117 of 2021 before the Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi. The Sessions Judge dismissed the petition. Against which, the appellants preferred the appeal before this Court.

3.Though notice was served on the third respondent, none appears for the respondent.

4.On the side of the appellants, it is stated that the appellants were arrested on 06.08.2020 and were in judicial custody for the past 220 days. Investigation was already over and charge sheet was filed and the same was taken on file as S.C.No.9 of 2021 and prayed the appellants to be released on bail.

5.On the side of the respondents 1 and 2, it is stated that the first appellant is having 12 previous cases and the second appellant is having seven previous cases and both are history sheeted and H.S.No.139 of 2016 is maintained against the first appellant. H.S.No.157 of 2017 is maintained against the second appellant. The Accused (A1 to A3) were detained under the Goondas Act on 28.08.2020 and both of them are having previous cases, including one murder case and prayed the appeal to be dismissed.

6.On the side of the appellants, it is stated that the proceeding under the Goondas Act was already revoked.

7.It is seen that the proceeding under the Goondas Act against the appellants was already revoked. The appellants were in judicial custody for the past 220 days. Considering the period of incarceration, this Court is inclined to grant bail to the appellants. Hence, the Appellants are ordered to be released on bail, subject to the following conditions:

(i) the appellants shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi, may obtain a copy of any valid identity proof to ensure their



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identity.

(iii) On release, the appellants shall stay at Dindigul and not enter in Thoothukudi District and they have to report before the Dindigul Town Police Station daily three times (i.e) at 09.00 a.m, 3.00 p.m and 07.00 p.m., until further orders.

(iv) the appellants shall not tamper with evidence or witness either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the 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 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(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Sessions Judge,
Special Court for Trial Cases under SC/ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Kovilpatti Sub Division, Thoothukudi District.
- 3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.



4.The Inspector of Police,
Dindigul Town Police Station,
Dindigul.

5.The Superintendent,
Central Prison, Palayamkottai.

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

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