



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.150 of 2021

1.Vignesh
2.Esakkiraja
3.Vignesh
4.Sooriya

.. Appellants/Petitioners/Accused Nos.1 to 4

Vs.

1.The State rep. by,
The Deputy Superintendent of Police,
Puliyankudi,
Tirunelveli District.... 1st Respondent/Investigation Officer/
Investigation Officer

2.The Inspector of Police,
Sernthamaram Police Station,
Crime No.71 of 2021.

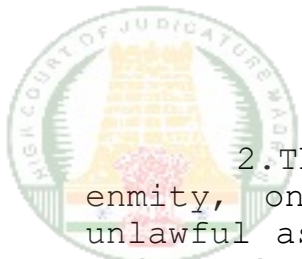
3.Mariselvam .. 2nd Respondent/Respondent/Complainant

Prayer : This Criminal Appeal filed under Section 14(A)(2) of Scheduled Castes/Scheduled Tribes Act, 1989 as amended by Act, 1 of 2016, to call for the records relating to the impugned order dated 15.03.2021 made in Cr.M.P.No.459 of 2021 on the file of the II Additional Sessions Judge(FAC), Tirunelveli and to set aside the same and consequently to release the appellant on bail on the same in connection with the FIR in Crime No.71 of 2021 on the file of the second respondent police.

For Appellants	: Mr.S.Alagusundar
For Respondents 1 and 2	: Mr.S.Chandrasekar
	Additional Public Prosecutor
For 3 rd Respondent	: Mr.P.Pethu Rajesh

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.459 of 2021 dated 15.03.2021, on the file of the learned II Additional Sessions Judge (FAC), Tirunelveli and to enlarge the appellants on bail.



2.The case against the appellants is that due to previous enmity, on 02.03.2021, the appellants and others formed into an unlawful assembly with weapons and attacked the defacto complainant and another and caused them injuries and they also threatened them with dire consequences. Hence, a case was registered against the appellants in Crime No.71 of 2021 under Sections 147, 148, 294(b), 323 324 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The appellants have filed a bail petition in Crl.M.P.No.459 of 2021 before the learned II Additional Sessions Judge(FAC), Tirunelveli. The petition was dismissed by the learned Judge on 15.03.2021. Against the same, the appellants have preferred the present appeal.

3.On the side of the appellants, it is stated that all the injured are already discharged from the hospital. There is no previous case against the appellants. The appellants are in custody for the past 25 days and the appellants are ready to comply any condition imposed by this Court and prayed the appellants to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that the injured were discharged from the hospital. There is life threat for the defacto complainant from unknown call numbers. There is a likelihood of communal clash in the locality and prayed the petition to be dismissed.

5.On the side of the third respondent, it is stated that there is life threat for the complainant and his family. Except life threat, there is no serious objection on the side of the third respondent.

6.It is seen that there is previous enmity between two group in the particular locality. The appellants are in custody for the past 25 days. The injured were already discharged from the hospital. Hence, this Court is inclined to release the appellants 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 II Additional Sessions Judge (FAC), Tirunelveli.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional Sessions Judge (FAC), Tirunelveli, may obtain a copy of any valid identity proof to ensure their identity.



(iii) On release, the appellants shall reside in Madurai and to sign before the South Gate Police Station daily once at 10:30 a.m., and not to enter Tenkasi District 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 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(P & A)

// 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 II Additional Sessions Judge(FAC),
Tirunelveli.

2.The Deputy Superintendent of Police,
Puliyankudi,
Tirunelveli District.

3.The Inspector of Police,
Sernthamaram Police Station,



4.The Officer Incharge, Sub Jail,
Srivaikundam.

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

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-15148[F] dated 01/04/2021
+1 CC to M/s.S.ALAGUSUNDAR, Advocate SR-2863

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