



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Criminal Appeal(MD)No.190 of 2021

1.Karuppasamy

2.Vetrivelmurugan @ Chinnathambi ... Appellants/Accused Nos.1 & 3

Vs.

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Rural Sub Division,
Pudukkottai Police Station,
Tuticorin,
(In Crime No.57 of 2021) ...1st Respondent/Complainant

2.Vasanthakumar ...2nd Respondent/Defacto Complainant

PRAYER : Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Amended Act, 2015, to set aside the order passed by the learned District and Sessions Judge, Special Court for Schedule Cases and Schedule Tribes (POA) Act Cases, Tuticorin, made in CrI.M.P.No.394 of 2021 and allow this appeal by enlarging the petitioners on bail in Crime No.57 of 2021 on the file of the first respondent police.

For Appellants : Mr.V.Malaiyendran

For R1 : Mr.S.Ravi
Additional Public Prosecutor

For R2 : No appearance

JUDGMENT

This appeal has been preferred against the order of dismissal passed by the learned trial Judge in CrI.M.P.No.394 of 2021 dated 01.04.2021.

2.The case of the prosecution is that the petitioner along with the co-accused waylaid and used filthy language and also assaulted and threatened the defacto complainant and caused injury. Hence, the complaint.

3.The respondent police has registered a case against the appellants for the offences punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) of IPC and Sections 3(i)(r), 3(i)(s), 3(2), (Va) of SC/ST (POA) Ordinance Act, 2015. Even though the



defacto complainant was put on notice as contemplated under Section 15(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, there is no appearance on behalf of the defacto complainant.

4. Heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the respondent Police.

5. The main ground urged by the learned counsel for the appellants is that the appellants are in custody for more than 87 days. Hence, they pray for relief.

6. The learned Additional Public Prosecutor would submit that since the appellants have bad antecedents, he strongly opposed to allow this appeal.

7. Considering the duration of the custody of the appellants, this Court is inclined to grant bail to the appellants. Accordingly, it is ordered that the appellants are directed to be enlarged on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the District and Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (POA) Act Cases, Tuticorin, subject to a condition that the appellants shall appear before the said Court once in a month i.e., on the first working day of every month at 10.30 A.M until further orders.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

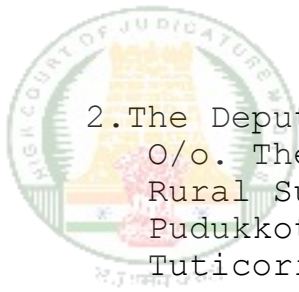
rmi/PKN

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 Principal District and Sessions Judge, Special Court for Schedule Castes and Schedule Tribes (POA) Act Cases, Tuticorin.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Rural Sub Division,
Pudukkottai Police Station,
Tuticorin.

3.The Officer in charge,
District Prison, Perurani, Tuticorin District.

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

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