



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.A. (MD)No.229 of 2021

Charless

... Appellant / Petitioner

Vs.

1.State by Assistant Commissioner of Police,
Tirunelveli Town Zone,
Pettai Police Station,
(Crime No.136 of 2021)

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(Crime No.136 of 2021)

... Respondents 1&2/ Complainants

3.Esakkimuthu

... 3rd Respondent /Defacto
complainant

PRAYER: Criminal Appeal is filed under Section 14-A (2) of the Scheduled Caste/Scheduled Tribes (POA) Act, to set aside the order in Cr.M.P.No.675 of 2021, dated 21.04.2021, on the file of II Additional District and Sessions Judge (F.A.C.), Tirunelveli, (IV Additional Sessions Judge, Tirunelveli) and enlarge the appellant on bail in Crime No.136 of 2021 on the file of the second respondent.

For Appellant

: Mr.Suresh Samson

For R- 1 and R-2

: Mr.Muthumanikkam

Government Advocate

JUDGMENT

Heard the learned counsel appearing for the appellants and the learned Government Advocate appearing for the respondents 1 and 2.

2. This appeal has been filed against the order, dated 21.04.2021, made in Cr.M.P.No.675 of 2021, passed by the learned II Additional District and Sessions Judge (F.A.C.), Tirunelveli, (IV Additional Sessions Judge, Tirunelveli) and enlarge the appellant on bail in Crime No.136 of 2021 on the file of the second respondent.

3. The allegation against the appellant is that on 07.04.2021 at about 9.00 p.m, when the defacto complainant along with one

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



Satheesh were going to buy Idly in their two wheeler, four persons restrained them and pulled them from their vehicle and thereafter, suddenly 15 persons rushed to the occurrence place and assaulted the defacto complainant and Satheesh and caused injured and also criminally intimidated him. On the complaint of the defacto complainant, a case was registered against the accused in Crime No.136 of 2021, under Sections 147, 341, 323, 324, 342 of I.P.C. and Section 3(2) (va) of SC/ST (POA) Act. The appellant filed a bail petition before the learned II Additional District and Sessions Judge (F.A.C.), Tirunelveli, (IV Additional Sessions Judge, Tirunelveli). That petition was dismissed by the trial Court. Against which, the appellants preferred this Criminal Appeal.

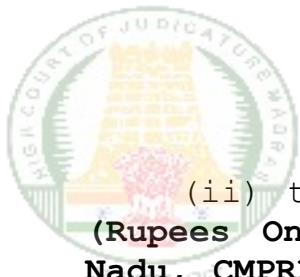
4. The learned counsel for the appellant would submit that the appellant is an innocent and he has not committed any offence as alleged in the prosecution. He would further submit that the appellant only was assaulted by the defacto complainant and the appellant sustained severe injury and he made a complaint as against the defacto complainant and the same was registered in Crime No.135 of 2021 and only as a counter blast, the defacto complainant has lodged a false complaint and hence prayed the appeal to be allowed.

5. The learned Government Advocate (Criminal side) would submit that the appellants were arrested on 09.04.2021 and the investigation is in the initial stage. He would further submit that it is a case and a counter case and the injured has been discharged from the hospital. He further submit that there is no tension prevailing in the area.

6. Considering the facts and circumstances of the case and also the fact that it is a counter case and the injured has been discharged from the hospital and also the period of incarceration and also considering the fact that there is no tension prevailing in the area, this Court is inclined to grant bail to the appellant on certain conditions.

7. Accordingly, the appellant is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) before the Jail Authority. The appellant after his release shall surrender before the concerned Court voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge (F.A.C.), Tirunelveli, (IV Additional Sessions Judge, Tirunelveli)

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their



(ii) the appellant is directed to deposit a sum of Rs.1,000/- **(Rupees One Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iii) the appellant shall report before the respondent police as and when required for interrogation.

iv) the appellant shall not tamper with evidence or witness.

v) the appellant shall not abscond during trial.

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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

Assistant Registrar (CS-III)

// 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 II Additional District and Sessions Judge,
(IV Additional Sessions Judge),
Tirunelveli.

2.The Assistant Commissioner of Police,
Tirunelveli Town Zone,
Pettai Police Station,
Tirunelveli District.



3.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

4.The Superintendent of Prison,
Central Prison, Palayamkottai.

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

Copy to:

The Branch Manager,
IOB, Secretariat Branch,
Chennai-9

Crl.A. (MD) No.229 of 2021
04.06.2021

KK(04.06.2021) 4P 7C