



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.12.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.480 of 2021

Pasupathi

.. Appellant

Vs.

- 1.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 2.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
(In Crime No.209 of 2021)

3.Arunpandiyan

4.Alexpandiyan

.. Respondents

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste/Scheduled Tribes Act, 1989, as amended by Act 1 of 2016, to call for the records in Crl.M.P.No.669 of 2021, passed by the Sessions Judge, Special Court for Trial of Cases Registered under SC / ST (POA) Act, 1989, Ramanathapuram, in Crime No.209 of 2021, for the offence under Sections 341, 294(b), 323, 324 I.P.C r/w. Section 3(1)(r), 3(1)(s) of SC/ST (POA)Amendment Act, 2015, on the file of the respondent police and to set aside the same as illegal and to grant bail to the appellant.

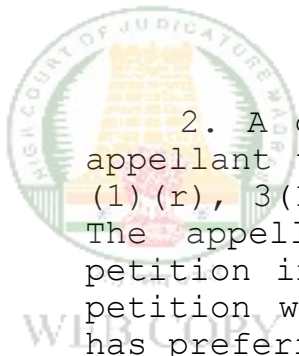
For Appellant : Mr.D.Balamurugapandi

For R1 and R2 : Mr.K.Sanjay Gandhi
Government Advocate

For R3 and R4 : Mr.I.Kannan

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.669 of 2021, passed by the Sessions Judge, Special Court for Trial of Cases Registered under SC / ST (POA) Act, 1989, Ramanathapuram and to grant bail to the appellant.



2. A case in Crime No.209 of 2021, was registered against the appellant under Sections 341, 294(b), 323, 324 I.P.C r/w. Section 3 (1)(r), 3(1)(s) of SC/ST (POA) Act, by the second respondent Police. The appellant was arrested on 05.11.2021 and he filed a bail petition in Crl.M.P.No.669 of 2021, before the Special Court. That petition was dismissed on 11.11.2021. Against which, the appellant has preferred this appeal.

3. On the side of the appellant, it is stated that the appellant advised the complainant and others not to take a liquor in front of a temple and the matter is likely to be settled between the parties. The injured persons were discharged. The appellant is in custody for the past 20 days and prayed the appellant to be let out on bail.

4. On the side of the prosecution, it is stated that the appellant is the sole accused in the case. There is no previous case against the appellant. The injured persons were discharged from Hospital.

5. On the side of the private respondents / R3 and R4, it is stated that the matter is likely to be settled between the parties and the respondents have no serious objection in releasing the appellant on bail.

6. In view of the submissions made by the both side counsel, this Court is inclined to release the appellant on bail with certain conditions. Hence, this Criminal Appeal is allowed and the appellant is ordered to be released on bail on the following conditions:

- (i) the appellant 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 Sessions Judge, Special Court for Trial of Cases Registered under SC / ST (POA) Act, 1989, Ramanathapuram.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for Trial of Cases Registered under SC / ST (POA) Act, 1989, Ramanathapuram, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall appear before the concerned Court daily at 10.30 a.m, for a period of 15 days and thereafter, he has to appear before the trial Court on all hearing dates and as and when required by the respondent and the Court



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

(v) the appellant shall cooperate with the investigation and the appellant 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 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]**.

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 Sessions Judge,
Special Court for Trial of Cases
registered under SC/ST(POA) Act,1989.
Ramanathapuram

2.The Officer in Charge,
Sub Jail, Paramakudi,
Ramanathapuram

3.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.



4.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.

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

Crl.A.(MD)No.480 of 2021
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MGJ(01.12.2021) 4P 6C