



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.481 of 2021

1.Murugan
2.Silambarasan
3.Kumar @ Chandrakumar .. Appellants

Vs.

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

2.The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
(Crime No.210 of 2021)

3.Pasupathi Pandian

4.Muniyasamy .. Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act, 1989 and Section 1 of Amendment Act, 2016, to call for the records order in Crl.M.P.No.668 of 2021 passed by the Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, dated 11.11.2021 in Crime No.210 of 2021 offence under Sections 147, 148, 294(b), 452, 323, 324 and 506(ii) of IPC and Section 3(1)(r), 3(1)(s) of SC/ST Act (POA) Amendment Act, 2015 on the file of the second respondent police and to set aside the same as illegal and to grant bail to appellants/accused no.4 to 6 in Crime No.210 of 2021 on the file of the second respondent Police.

For Appellant	: Mr.D.Balamurugapandi
For Respondents 1 and 2	: Mr.K.Sanjay Gandhi Government Advocate
For Respondents 3 and 4	: No Appearance



JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.668 of 2021, dated 11.11.2021, on the file of the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

2.The case against the appellants is that the appellants insulted the defacto complainant in filthy language by uttering his caste name and beaten the defacto complainant and his brother and due to which, they sustained injuries. A case in Crime No.210 of 2021 under Sections 147, 148, 294(b), 452, 323, 324 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act, was registered against the appellants. The appellants have filed a bail application in Crl.M.P.No.668 of 2021 before the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, Ramanathapuram. That petition was dismissed by the trial Court on 11.11.2021. Against the same, the appellants have preferred this Criminal Appeal.

3.On the side of the appellants, it is stated that at the time of occurrence, the victim and defacto complainant were eve-teasing the girls. As the appellants questioned the same, this false case was foisted against the appellants. The injured persons were discharged from the hospital. There is a counter case also pending and prayed the appellants to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that totally six accused involved in the occurrence. The appellants are A4, A5 and A6. There is a counter case pending and the injured persons were discharged from the hospital and prayed the appeal to be dismissed.

5.Though the name of the private respondents were printed in the cause list, none appears on behalf of them.

6.It is seen that the appellants are in custody for the past 26 days and considering the period of incarceration and considering the pendency of counter case against the defacto complainant and considering the fact that the injured persons were discharged from the hospital, this Court is inclined to release the appellants on bail. Hence, the Criminal Appeal is allowed and 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 learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.



WEB COPY

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram may obtain a copy of their valid identity card to ensure their identity.

(iii) On release, the appellants shall appear before the Thiruppalaikudi Town Police Station daily once at 10:30 a.m., 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.

(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 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 (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM/Mrn

To

1.The Sessions Judge,
Special Court for trial of Cases registered
under SC/ST (POA) Act,
Ramanathapuram.

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



3.The Superintendent of Prison,
Sub Jail, Paramakudi, Ramanathapuram.

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

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-37063[F] dated
02/12/2021)

Crl. A. (MD) No.481 of 2021
02.12.2021

MGJ(03.12.2021) 4P 7C