



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.498 of 2021

1.Thangasamy @ Naveen

2.Thagavel @ Praveen

.. Appellants/Accused No. 2 & 3

Vs.

State by

1.The Deputy Superintendent of Police,
Karaikudi Sub Division,
Sivagangai District.

2.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

In Crime No.451 of 2021.

.. Respondent No. 1 & 2/
Complainants

3.Ajithkumar

.. RespondentNo.3/
Complainant/Victim

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste/Scheduled Tribes Prevention of Atrocities Act, 1989, as amended by Act 1 of 2015, to call for the records and to set aside the order passed in Cr.M.P.No.1552 of 2021, dated 23.11.2021, by the Special Court for Exclusive Trial of cases under SC / ST (POA) Act, 1989, Sivagangai, and to enlarge the appellants on bail in connection with the case in Crime No.451 of 2021, on the file of the second respondent police.

For Appellants : Mr.R.Balamuruganantham

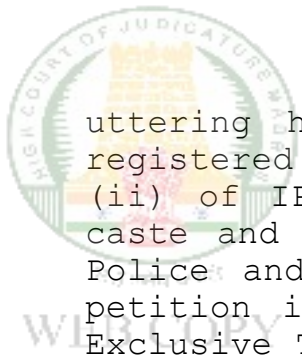
For Respondents 1 and 2 : Mr.K.Sanjay Gandhi
Government Advocate

For R3 : No appearance

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.1552 of 2021, dated 23.11.2021, by the Special Court for Exclusive Trial of cases under SC / ST (POA) Act, 1989, Sivagangai, and to enlarge the appellants on bail.

2. A case against the appellant is that the appellants assaulted the defacto complainant with stones and caused him injuries and the appellants humiliated the defacto complainant by



uttering his caste name. A case in Crime No.451 of 2021 was registered against the appellants under Sections 294(b), 324, 506 (ii) of IPC and Sections 3(1) (r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (POA) Act by the second respondent Police and the appellants were arrested and they filed a bail petition in Cr.M.P.No.1552 of 2021, before the Special Court for Exclusive Trial of cases under SC / ST (POA) Act, 1989, Sivagangai. That petition was dismissed on 23.11.2021. Against which, the appellants have preferred this appeal.

3. On the side of the appellants, it is stated that the appellants are in custody for the past 49 days. Injured was discharged from the hospital. The first accused was already released on bail by the trial Court. Injuries are simple in nature. The defacto complainant has lodged this case only on the instigation of a third person and the uncle of the appellants died today and prayed the appellants to be released on bail.

4. On the side of the prosecution, it is stated that the first appellant is having four previous cases, including one similar case. The second appellant is having five previous cases, including one similar case. The investigation is pending and prayed the appeal to be dismissed.

5. Though notice was served on the third respondent, name of the third respondent was printed in the cause list, none appears on behalf of the third respondent.

6. On the side of the prosecution, it is admitted that the first accused was released on bail by the trial Court. It is admitted that the injured was discharged from the hospital and the injury is simple in nature.

7. The appellants are in custody for the past 49 days. Considering the nature of the offence and considering the period of incarceration, this Court is inclined to release the appellants on bail. Hence, this Criminal Appeal is allowed and the appellants are ordered to be released on bail on 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 the Special Court for Exclusive Trial of cases under SC / ST (POA) Act, Sivagangai.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the the Special Court for Exclusive Trial of cases under SC / ST (POA) Act, Sivagangai, may obtain a copy of any valid identity proof to ensure



their identity.

(iii) On release, the appellants shall appear before the Special Court for Exclusive Trial of cases under SC / ST (POA) Act, Sivagangai, daily 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 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 (CRL)

// 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 the Special Court for Exclusive Trial of cases
under SC / ST (POA) Act, 1989,
Sivagangai,

2.The Deputy Superintendent of Police,
Karaikudi Sub Division,
Sivagangai District.

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



3.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

4.The Superintendent/Jailor,
Central Prison, Madurai.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-38256[F] dated
10/12/2021)

Crl.A.(MD)No.498 of 2021
10.12.2021

MGJ(10.12.2021) 4P 7C