



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.12.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A.(MD)No.508 of 2021

Ajay

.. Appellant/Petitioner

Vs.

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

2.The State Rep. by its
The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
Crime No.454 of 2021.

.. 1 & 2 Respondents/Complainants

3.Sangupandi

.. 3rd Respondent/Defacto Complainant

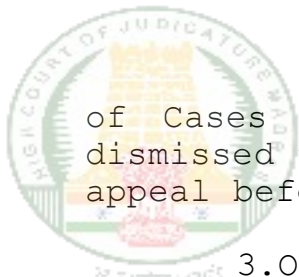
Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the the Schedule Castes and Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records pertaining to the order passed in Cr.M.P.No.1608 of 2021 in Crime No.454 of 2021 on the file of the The Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai dated 02.12.2021 and to set aside the same and enlarge the appellant on bail.

For Appellant	: Mr.M.Jegadeesh Pandian
For Respondents 1 and 2	: Mr.K.Sanjay Gandhi, Government Advocate
For 3 rd Respondent	: No appearance

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.1608 of 2021 in Crime No.454 of 2021 dated 02.12.2021, on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

2.The case against the appellant is that on 01.11.2021, the appellant damaged a name board and he threatened the defacto complainant with a knife and insulted the defacto complainant and others by mentioning their caste name. A case was registered against the appellant in Crime No.454 of 2021 for the offence under Sections 427, 294(b), 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015. The appellant surrendered on 09.11.2021. Subsequently, the appellant filed a bail petition in Cr.M.P.No.1608 of 2021 before the Special Court for Exclusive Trial



of Cases under SC/ST (POA) Act, Sivagangai. The learned Judge dismissed the petition. Against which, the appellant preferred this appeal before this Court.

3. On the side of the appellant, it is stated that there was no injury caused to anybody. Only a wordy quarrel was coloured as a criminal case and prayed the appeal to be allowed.

4. On the side of the respondents 1 and 2, it is stated that the appellant is a history sheeted rowdy. A history sheet in HS.No.61 of 2021 has been maintained as against the appellant. The appellant surrendered on 09.11.2021. He is having one previous case of similar nature in Crime No.402 of 2021 and prayed the appeal to be dismissed.

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

6. It is seen that the appellant is in custody for the past 43 days. Considering the age of the appellant and considering the period of incarceration, this Court is inclined to grant bail to the appellant. Hence, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to 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 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 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 appellant shall appear before the second respondent daily at 10:30 a.m, until further orders.
- (iv) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (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.



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(vi) On breach of any of the aforesaid conditions, the 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 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 //

23/12/2021

Sub Assistant Registrar (CS-IV)

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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 Exclusive Trial of Cases
under SC/ST (POA) Act, Sivagangai
2. The Deputy Superintendent of Police,
Sivagangai Sub Division Circle,
Madurai District.
3. The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
4. The Officer-Incharge,
District Prison, Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.