



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Appeal Nos.16, 17, 18, 35 and 49 of 2022

1.Puli @ Surendar
2.Ajith
3.Raghul @ Raghupathy
4.Surya
5.Kumaran
6.Vicky @ Vignesh

... Appellants/Petitioners in
Crl.A.No.16 of 2022

1.Madhan
2.Siva
3.Mookan @ Rajasekar

... Appellants/Petitioners in
Crl.A.No.17 of 2022

1.Nandhakumar
2.Megavarnan

... Appellants/Petitioners in
Crl.A.No.18 of 2022

Sathya

... Appellant/Petitioner in
Crl.A.No.35 of 2022

Karthick

...Appellant/Petitioner in
Crl.A.No.49 of 2022

..Vs..

1.The State rep. by
The Deputy Superintendent of Police,
Arakkonam,
Ranipet District.

2.The Sub Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District,
Crime No.80/2021.

3.M.Soundarraaj
4.Madhankumar



5.Vallarasu
6.Ravi
7.Valli
8.Lakshmi
9.Palani
10.Murugammal
11.Shalani

(Respondents 4 to 11 have been impleaded by this Court by order dated 03.02.2022 in Crl.M.P.Nos.1065, 1067/2022 in Crl.A.No.16 and 17 of 2022 by ADJCJ)

... Respondents in
Crl.A.Nos.16, 17 of 2022

1.State by
Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District,
Crime No.80/2021.

2.M.Soundarraaj

3.Deputy Superintendent of Police,
Arakonam,
Ranipet District.

4.Madhan kumar
5.Vallarasu
6.Ravi
7.Valli
8.Palani
9.Murugammal

(Respondents 3 to 9 have been impleaded by this Court by order dated 03.02.2022 in Crl.M.P.No.512/2022 in Crl.A.No.18 of 2022 by ADJCJ)

... Respondents in
Crl.A.No.18 of 2022

1.The State rep. by
The Deputy Superintendent of Police,
Arakkonam,
Ranipet District.

2.The Sub Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District,
Crime No.80/2021.

3.M.Soundarraaj

... Respondents in
Crl.A.No.35 of 2022



1.The State rep. by
The Deputy Superintendent of Police,
Arakkonam,
Ranipet District.

2.State rep. by its
The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District,

3.M.Soundarraaj ... Respondents in
Crl.A.No.49 of 2022

PRAYER: Criminal Appeals filed under Section 14(A)(1) of Scheduled Castes and the Scheduled Tribes Amendment Act 2015 to set aside the order dated 30.12.2021 passed in Crl.M.P.Nos.430, 431, 430, 390 and 418 of 2021 respectively on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Vellore and enlarge the appellants on bail in connection with Crime No.80/2021 in Spl.S.C.No.12 of 2021 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Vellore.

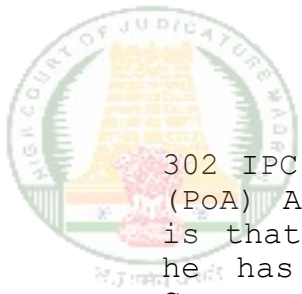
For Appellants	:	Mr.R.Vivekananthan
in Crl.A.Nos.16, 17 of 2022		
For Appellants	:	Mr.S.Sasikumar
in Crl.A.No.18 of 2022		
For Appellant	:	Mr.T.Arivarasan
in Crl.A.No.35 of 2022		
For Appellant	:	Mr.G.M.Shankar
in Crl.A.No.49 of 2022		
For Respondents	:	Mr.S.Sugendran for State
in all cases		Government Advocate (Crl. Side)
		Mr.S.Parthasarathy
		for defacto complainant /victims

C O M M O N J U D G M E N T

(Theses cases have been heard through video conferencing)

These Criminal appeals have been filed against the dismissal of the bail applications in Crl.M.P.Nos.430, 431, 390 and 481 of 2021 by order dated 30.12.2021 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Vellore.

2.The respondent has registered a case in Crime No.80/2021 on 08.04.2021 on the complaint of one Soundarraaj for the offences under Sections 147, 148, 341, 323, 324, 506 (ii), 307,



302 IPC read with Sections 3(1)(r), 3(1)(s) and 3(1)(v) of SC/ST (PoA) Act, 1989. The averments as per the defacto complainant is that he is a resident of Thendral Nagar, Arakkonam and that he has completed electrician course and was working in SL Company. The native place of his mother is Sembedu village and that he frequently used to visit his grandmother's house. While so on 07.04.2021 at about 07.30 p.m., while he was travelling in his two wheeler along with his relative Appunu, the first accused had called the defacto complainant. At that time, the pillion rider on seeing some known persons, had called him. At that time, the first accused and the persons along with him had questioned them as to why he had called him and thereafter, dashed against the two wheeler and that they had also abused the defacto complainant and his relative using filthy language and by calling their caste name. Thereafter, the defacto complainant had gone back to his village and he had called his friends and had returned back to the village of the accused. At that time, the accused who were armed with deadly weapons had surrounded them and assaulted with knife, stick and stones and due to which, two persons who had accompanied the defacto complainant died and other persons who accompanied the defacto complainant sustained grievous injuries. Based on the complaint, the case was registered and later, after completing the investigation, the respondent has filed final report and it has been taken up for trial in Spl.S.C.No.12 of 2021. The appellants/accused had filed CrI.M.P.Nos. 430, 431, 390 and 481 of 2021 seeking for bail on the file of the the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Vellore and the same was dismissed by the Special Court and against which, the present appeals are preferred.

3. Mr.R.Vivekananthan, learned counsel for the appellants/A1 to A8 and A13 in CrI.A.Nos.16 and 17 of 2022 would submit that it is a case where the defacto complainant and his men are the aggressors. Even as per the defacto complainant, they were stated to have been abused by the first accused, while he was crossing the village. The incident had happened at 06.30 p.m. whereas the defacto complainant had returned back to his village and gathered his men and thereafter they have come to the village of the accused and the incident had happened when they have formed an unlawful assembly and come to the village of the accused. It is not a case where the accused have gone to the village of the deceased. He would further submit that some of the accused were arrested and some of them have surrendered before the jurisdictional Magistrate Courts. He would submit that right from the date of arrest, they are in the judicial custody. Meanwhile, pursuant to the detention order passed on 06.05.2021 and 07.05.2021, the first accused and the third accused in this case were detained and this Court by its order dated 23.12.2021, had quashed the detention orders in respect of



the accused. He would further submit that since the appellants were in preventive detention, they did not move for bail. In respect of the Accused No.14, he was not detained and he had applied for bail in CrI.M.P.No.190 of 2021 and was granted bail by the Special Judge on 20.07.2021. He would reiterate that as per the prosecution, it is not a pre-planned incident and the incident had happened, when the defacto complainant along with his men had come to the village of the appellants and created ruckus. He would submit that the accused A1, A2, A3 were arrested on 09.04.2021, A5 and A6 were arrested on 27.04.2021, A4 and A13 surrendered on 15.04.2021, A7 and A8 surrendered on 19.04.2021. He would submit that the appellants are prepared to abide by any stringent conditions imposed on them and they may be granted bail so as to conduct the trial.

4.Mr.S.Sasikumar, learned counsel appearing for the appellants in CrI.A.No.18 of 2022 would submit that the appellants/A10 and A12 surrendered on 09.04.2021 and they may be granted bail so as to conduct the trial.

5.Mr.T.Arivarasn, learned counsel for the appellant in CrI.A.No.35/2022 would submit that the appellant/A11 was in the judicial custody for the past 275 days and that he may be enlarged on bail so as to conduct the trial.

6.Mr.G.M.Shankar, learned counsel for the appellant in CrI.A.No.49 of 2022 would submit that the appellant/A9 was remanded to the judicial custody on 10.04.2021 and that the appellant would abide by any stringent condition imposed by this court and the appellant may be granted bail so as to conduct trial.

7.The first respondent has filed separate counters in all the appeals.

8.Mr.S.S.Sugendran, learned Government Advocate (crl side) appearing for the State would submit that the defacto complainant belongs to scheduled caste community. On 07.04.2021 at 07.30 p.m., the defacto complainant along with his relative had passed through the village of the accused in a two wheeler. The accused had waylaid him and abused him by calling his caste name and assaulted him. Thereafter, the defacto complainant had gone back to the village and to discuss as to why they were treated like that, he along with his relatives have gone to the village of the accused. The accused who are totally 14 in number, surrounded them and assaulted them with deadly weapons and wooden log and due to which the defacto complainant and his relatives sustained grievous injuries. He would submit that in the incident, two persons succumbed to the injuries and three persons sustained grievous injury. He would submit that the



defacto complainant and their relatives were unarmed and the accused had assaulted them, since they belong to the scheduled caste community. He would further submit that the investigation has been completed, the charge sheet has been filed and the case has been taken up for trial in Special S.C.No.12 of 2021 and it stands posted for framing charges on 15.02.2022 and there are 64 witnesses in this case and thereby he would object for grant of bail to the appellants.

9.Mr.S.Parthasarathy, learned counsel for the intervenor/victims in all the cases would submit that the defacto complainant belongs to the scheduled caste community. While he along with his relatives were passing the village in their two wheeler the accused who belong to the most backward community have waylaid and abused them calling by their caste name and also assaulted them. Thereafter, in order to arrive at a compromise, the defacto complainant have gone back to the village of the accused. They were unarmed and when they were discussing, the accused assaulted them indiscriminately with deadly weapons and wooden logs and stones due to which two persons died and three other persons sustained grievous injuries. He would submit that tension prevails in the village and the accused had threatened the relatives of the victims and that there is possibility of threatening the witnesses. He would submit that on 02.02.2022, the villages have given a representation to the Deputy Superintendent of Police. He would further submit that in several cases of similar nature, this Court had dismissed the bail application/appeal filed and thereby would object for grant of bail to the appellants.

10.Heard the learned counsels and perused the materials on record.

11.The case of the prosecution is that when the defacto complainant and the relatives had passed the village of the accused in their two wheeler, the first accused along with his friends had waylaid and abused him by calling his caste name. Thereafter, the defacto complainant had gone back to his village and gathered his men and gone to the village of the accused where the incident is alleged to have taken place. The investigation has been completed and the charge sheet has been filed and the case has been taken up for trial in Special S.C.No.12 of 2021 and it stands posted for framing charges on 15.02.2022. The detention orders have also been quashed. The appellants are in custody for almost 9 months.

12.Taking into consideration of the facts and the submissions made, this court is of the opinion that the appeals may be allowed and the bail may be granted to the Appellants. Accordingly, the criminal appeals are allowed. The orders



passed in Crl.M.P.Nos.430, 431, 390 and 418 of 2021 dated 30.12.2021 are set aside.

13. In view of the above, this Court is inclined to grant bail to the appellants/accused subject to the following conditions, while protecting the interest of the defacto complainant and the prosecution witnesses:

(a) Accordingly, the appellants are ordered to be released on bail on condition to execute their own bond for Rs.10,000/- before the Superintendent of the concerned prison/Jailor concerned, in which the appellants have been confined and thereafter, on their release, the appellants shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for trial cases under SC/ST Act (POA), Vellore, Vellore District and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellants on their release from prison shall report before the trial court daily at 10.30a.m. until further orders. The appellants shall not enter into the jurisdictional limits of the respondent police/Arakkonam Taluk.

(d) the appellants shall not commit any offences of similar nature;

(e) the appellants shall not abscond during trial;

(f) the appellants shall not tamper with evidence or witness during trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



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(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1.The Deputy Superintendent of Police,
Arakkonam,
Ranipet District.

2.The Sub Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District,
Crime No.80/2021.

3.The Sessions Judge,
Special Court for trial cases
under SC/ST Act (POA),
Vellore, Vellore District.

4.The Superintendent Central Prison,
Vellore.

5.The Public Prosecutor (Crl side),
High Court, Madras.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras-104.

+1cc to Mr.P.Krishnan, Advocate, S.R.No.6962

+1cc to Mr.S.Jimraj Milton, Advocate, S.R.No.6952

+4ccs to Mr.R.Vivekananthan, Advocate, S.R.No.6736

+1cc to Mr.S.Sasikumar, Advocate, S.R.No.6719

Crl. A. No.16, 17, 18, 35 and 49 of 2022

PPA(CO)
CB(04/02/2022)