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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.A(MD)No. 210 of 2022

Muni @ Ramasamy

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Aranthangi,
Pudukottai District.

... 1st Respondent/
Investigating Officer

2.The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No.45 of 2022)

... 2nd Respondent/Complainant

3.Jegatheeswari

... 3rd Respondent/
Defacto Complainant

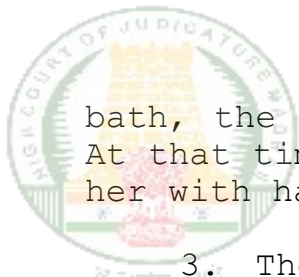
PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order, dated 10.03.2022 made in Cr.M.P.No.186 of 2022 on the file of the Special Court for trial of SC/ST Cases, Pudukottai and set aside the same and enlarge the appellant on bail in connection with Crime No.45 of 2022 on the file of the second respondent by allowing this criminal appeal.

For Appellant : Mr.T.Lenin Kumar
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.1 & R.2

JUDGMENT

The present Criminal Appeal has been filed to set aside the impugned order, dated 10.03.2022 made in Cr.M.P.No.186 of 2022 on the file of the Special Court for trial of SC/ST Cases, Pudukottai and enlarge the appellant on bail in connection with Crime No.45 of 2022 on the file of the second respondent.

2. The case of the prosecution is that on 22.01.2022 the third respondent lodged a complaint before the second respondent police stating that he is having two sons. On 22.01.2022, she along with her two children went to Samboorani Pond to take bath. After taking

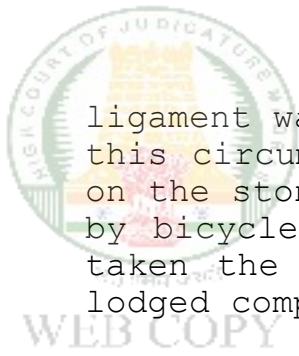


bath, the third respondent asked her sons to come out of the pond. At that time, the petitioner abused her unparliamentary and attacked her with hands.

3. The learned counsel appearing for the petitioner / sole accused would submit that the petitioner / sole accused is innocent and he has not at all committed any offences as alleged and that the petitioner / sole accused has been falsely implicated in this case and that he has been in judicial custody from 04.03.2022 that the victim was not injured and that he is ready and willing to furnish sufficient sureties and obey any condition imposed by this Court and therefore, he prays that the petitioner / sole accused may be enlarged on bail.

4. The learned Government Advocate (Criminal Side) has strongly objected to the release of the accused on bail stating that the victim Jagatheeswari is residing at Maruthangudi Village, Aranthangi Taluk with her sons and her husband is working as cool master at Palani and they belong to the Hindu Pariyar Community and the accused Ramasamy @ Muni S/o.Meiyathan is residing at Maruthangudi Village, Aranthangi with his parents and he belongs to the Hindu Thevar Community, in this situation on 22.01.2022 at around 04.30 p.m when the petitioner and her sons were taking bath in Sampoorani Pond, the petitioner said to her sons to come out of the pond to return to their home, at that time the accused Ramasami @ Muni, had scolded the petitioner in filthy words by mentioning her community, and when the petitioner and her sons were returning to their home by bicycle, the accused had restrained them and assaulted by hand and they stumbled and had fallen down, and the petitioner had taken treatment at Aranthangi Government Hospital as inpatient due to the swollen knee as the ligament was in a descending position, and the accused had snatched her cell phone and broken it and if accused is released on bail, there is a chance of community dispute occurring and accused would tamper the witnesses and already the first bail application was dismissed on 04.03.2022 and there is no change of circumstances and strongly objects the release of the accused on bail.

5. The victim has strongly objected to release of the accused on bail stating that she is residing at Maruthangudi Village, Aranthangi taluk with her sons and her husband is working as cook master at Palani and on 22.01.2022 when the victim and her sons were taking bath in Sampoorani Pond, the victim said to her sons to come out of the pond to return to their home, at that time the accused Ramasami @ Muni, S/o.Meiyathan belonging to their village had scolded the victim had scolded the victim in filthy words, mentioning her community, and also the accused had assaulted the victim on her cheek and pushed her on a stone and when the victim and her sons were returning to their home by bicycle, the accused had restrained them and assaulted by hand and they stumbled and had



ligament was in a descending position, and she was unable to walk in this circumstances the accused pulled the victim and she had fallen on the stone and her son lifted her, and when they were trying to go by bicycle, the accused had pushed the victim and her son and had taken the cell phone and had broken the same in the road and had lodged complaint in Aranthangi Police Station.

6. I have considered the rival submissions made by the learned counsels appearing on either side.

7. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 10.03.2022 made in Cr.M.P.No.186 of 2022 on the file of the Special Court for trial of SC/ST Cases, Pudukottai.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 10.03.2022 made in Cr.M.P.No.186 of 2022 on the file of the Special Court for trial of SC/ST Cases, Pudukottai, is set aside. The appellant shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the third respondent within a period of two weeks forthwith and produce the acknowledgement before the second respondent. If the petitioner fails to comply with the said condition the second respondent is directed to take appropriate action against the petitioner in the manner known to law and on further condition that:

[a] the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for the like sum to the satisfaction of the Special Court for trial of SC/ST Cases, Pudukottai;

[b] the appellant shall appear before the respondent police daily at 10.30 a.m. until further orders;

[c] the appellant shall not tamper with evidence or witness either during investigation or trial;

[d] the appellant shall not abscond either during investigation or trial;

[e] 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 appellants released on bail by the Trial Court itself 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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Sd/-

Assistant Registrar (CS-III)

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Special Court for trial of SC/ST Cases,
Pudukottai.
- 2.The Officer Incharge,
Sub Jail, Pabanasam.
- 3.The Deputy Superintendent of Police,
Aranthangi,
Pudukottai District.
- 4.The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2C)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13793[F] dated 23/03/2022)
Crl.A(MD)No.210 of 2022
22.03.2022

SVS (CO)

GC(23.03.2022) 4P 9C