



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.04.2022**

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

Crl.A(MD)No. 241 of 2022

1.Karuppasamy
2.Velmurugan ... Petitioners/Accused Nos.1 & 2

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Rural,
Thoothukudi District. ... 1st Respondent/
Investigating Officer

2.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.47 of 2022) ... 2nd Respondent/Complainant

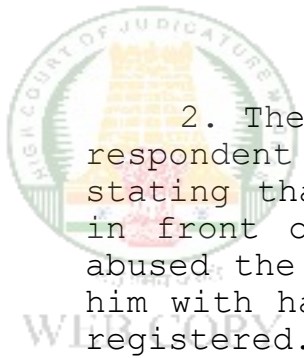
3.Sekar ... 3rd Respondent/Defacto Complainant

PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989, to call for the records pertaining to the order, dated 17.03.2022 made in Cr.M.P.No.287 of 2022 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and set aside the same and enlarge the appellants on bail in connection with Crime No.47 of 2022 on the file the second respondent.

For Appellants : Mr.T.Lenin Kumar
For Respondents : Mrs.M.Aasha
Government Advocate (Criminal Side)
for R.1 & R.2

JUDGMENT

The present Criminal Appeal has been filed to call for the records pertaining to the order, dated 17.03.2022 made in Cr.M.P.No.287 of 2022 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and set aside the same and enlarge the appellants on bail in connection with Crime No.47 of 2022 on the file the second respondent.



2. The case of the prosecution is that on 27.02.2022, the third respondent lodged a complaint before the second respondent Police stating that on 27.02.2022, when the third respondent was standing in front of his house, the petitioners came in a two-wheeler and abused the third respondent using filthy language and also attacked him with hands and iron gate. Therefore, the present FIR came to be registered.

3. Thereafter, the petitioner moved the bail application before the learned Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi in Cr.M.P.No.287 of 2022 and the same was dismissed on 17.03.2022.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

5. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 17.03.2022 made in Cr.M.P.No.287 of 2022 on the file of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

6. Accordingly, the Criminal Appeal is allowed and the order, dated 24.02.2022 made in Cr.M.P.No.396 of 2022 on the file of the learned learned Special Court for Trial Cases under SC/ST (POA) Act, Thoothukudi, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two blood related sureties, each for a like sum to the satisfaction of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, and on further condition that:

[a] the appellant shall stay at Karur, Pasupathipalayam Police Station, daily at 10.30 a.m. and 05.30 p.m, till the disposal of the trial;

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

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

[d] 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].

Sd/-

Assistant Registrar (AD-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Judge,
The Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Thoothukudi Rural,
Thoothukudi District.
- 3.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
- 4.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. (2 COPIES)

COPY TO

THE OFFICER INCHARGE,
SUB JAIL,
SRIVAICKUNDAM
THOOTHUKUDI DISTRICT.

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-17294[F] dated 07/04/2022)

Crl.A(MD)No.241 of 2022

07.04.2022

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