



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM:

THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

Crl. A(MD) Nos. 340, 341 and 342 of 2022

Crl.A(MD)No.340 of 2022:

1.Kuppusamy
2.Arumugam : Appellants/Petitioners/Accused Nos. 6 & 8

Crl.A(MD)No.341 of 2022:

1.N.Krishnamoorthy
2.Arujunan : Appellants/Petitioners/Accused Nos. 1 & 3

Crl.A(MD)No.342 of 2022:

1.N.Murugesan
2.Balasubramani
3.Govindaraj
4.Shanmugam : Appellants/Petitioners/Accused Nos. 4,7,2 and 5

Vs.

1.State represented by
The Deputy Superintendent of Police,
Karur Town,Karur District.

2.State represented by,
The Inspector of Police,
Velliyanai Police Station,
Karur District

Crime No.131 of 2022 : 1 and 2 Respondents /Complainants

3.Vangalaye : 3rd Respondent/Defacto complainant
(Respondents 1 to 3 in all three appeals)

4. Karthick
5. Gomathi
6. Veeran : Respondents 4 to 6/victims
(In Crl.A(MD) No.340 of 2022 only)

COMMON PRAYER: The Criminal Appeals are filed under Section 14-A(2) of SC/ST Act, to call for the records pertaining to the order passed in Vacation Crl.M.P.Nos. 26,10 and 11 of 2022 respectively on the file of the Vacation Sessions Judge, Karur dated 04.05.2022 and set aside the same as illegal and enlarge the appellants on bail.



In three Appeals:

For Appellants : Mr.K.Sivabalan (In Crl.A(MD)No.340 of 22)
Mr.S.Gokulraj
(In Crl.A(MD)Nos.341, 342 of 2022)
For R1 & R2 : Mrs.M.Aasha
Government Advocate (Crl.side)
For R3 : Mr.PA.P.A.Mohan

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

The present Criminal Appeals have been filed to set aside the impugned order, dated 04.05.2022 made in Crl.M.P.Nos. 10, 11 and 26 of 2022 on the file of the Vacation Sessions Judge, Karur.

2. The case of the prosecution is that the defacto complainant/R3 has preferred a complaint stating that the fourth respondent married the fifth respondent, who belongs to another caste and therefore, the parents of the fifth respondent along with the appellants illegally entered into the house of the defacto complainant and said to have scolded with filthy language by mentioning their caste name, caused simple injuries to the respondents 3, 4 and 6 and kidnapped the married couples by using Omni Car. Therefore, the third respondent registered a case against the appellants and others in Crime No.131 of 2022 for the offences under Sections 147, 148, 448, 294(b), 323, 365 and 506(ii) of IPC r/w Sections 3(1) (r) and 3(2) (va) of SC/ST (POA) Act.

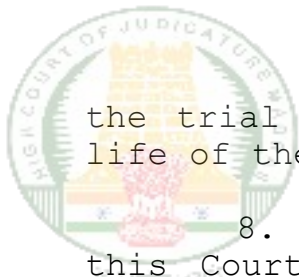
3. It is submitted that the appellants were arrested and remanded to judicial custody on 29.04.2022.

4. The appellants filed petitions for bail and the same were dismissed by the Sessions Court and therefore, prayed for enlarging the appellants on bail.

5. The learned counsel for the third respondent would submit that the appellants are threatening the couples and they are living under threat and if they release on bail, they may tamper the evidence.

6. Heard the learned counsel appearing for the appellants, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and the learned counsel for the third respondent and perused the materials available on record.

7. It is seen that the appellants in Crl.A.(MD)No.340 of 2022 are aged 60 and 65 years respectively and the appellants in three appeals have been in judicial custody from 29.04.2022 and investigation is almost completed, besides couples are living together. Further more, the learned counsel for the appellants submits that they are ready to file an undertaking affidavit before



the trial court that they will not cause any interference in the life of the couples, who are the respondents 4 and 5.

8. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeals by setting aside the order, dated 04.05.2022 made in Crl.M.P.Nos.10, 11 and 26 of 2022 on the file of the Vacation Sessions Judge, Karur, on certain conditions. The appellants shall file an undertaking affidavit before the trial court by stating that they will not cause any interference with the couple's life and they should not have any communication with them.

9. Accordingly, the Criminal Appeals are allowed and the order, dated 04.05.2022 made in Crl.M.P.Nos. 10, 11 and 26 of 2022 on the file of the Vacation Sessions Judge, Karur, are set aside. The appellants are ordered to be released on bail on their executing separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge (Special Court for SC/ST Act Cases), Karur, and on further conditions that:

[a] the appellants shall appear before the respondent police on every Monday and Saturday at 10.30 a.m until further orders;

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

[c] the appellants 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 appellants 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/-

Vacation Officer/
Assistant Registrar

// True Copy //

23/05/2022
Sub Assistant Registrar(CS)



To

3.The Vacation Sessions Judge,
Karur.

2. The Principal District & Sessions Judge/
Special Court for SC/ST Act, Cases, Karur.

3.The Deputy Superintendent of Police,
Karur Town,
Karur District.

4.The Inspector of Police,
Velliyanai Police Station,
Karur District.

5.The Officer Incharge,
Sub Jail,
Karur.

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

+1 CC to M/s.K. SIVABALAN, Advocate (SR-23909[F] dated 20/05/2022)

+2 CC to Mr.S.GOKULRAJ, Advocate SR.No. 23860 & 23859

Crl. A(MD)Nos.340, 341 and 342 of 2022
19.05.2022

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