



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.A(MD).No.354 of 2022

WEB COPY

Pandiyan

... Appellant/ Sole Accused

Vs.

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

2.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
(Crime No.118 of 2022)

... Respondents/ Complainants

3.Murugan

... Respondent/ Defacto Complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) 2015 to set aside the order passed by the Special Court for Schedule Cases and Schedule Tribes (POA) Act cases, Pudukottai made in Crl.M.P.No.438 of 2022 and allow this appeal by enlarging the petitioner on bail in Crime No.118 of 2022 on the file of the first respondent police.

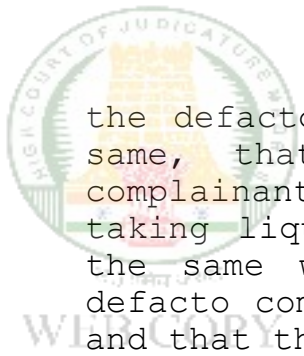
For Appellant : M/s.Rajeswari, M.
For R1 & R2 : Mr.B.Nambi Selvan,
Government Advocate (Criminal Side)

JUDGMENT

The Criminal Appeal has been filed challenging the order dated 19.05.2022 in Crl.M.P.No.438 of 2022 passed by the learned Sessions Judge of Special Court for Schedule Cases and Schedule Tribes (POA) Act cases, Pudukottai, dismissing the bail application filed under Section 439 Cr.P.C.

2. The petitioner/Accused was arrested and remanded to judicial custody on 11.05.2022, for the offences punishable under Sections 294(b), 323, 336, 353 IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. The appellant filed a petition for bail in Crl.M.P. No.438 of 2022 and the same was dismissed by the Special Court on 19.05.2022. Against the same, the appellant has preferred this Criminal Appeal.

3.The case of the prosecution is that on 11.05.2022 at about 04.30 pm., the Revenue Inspector had received an information that one person was taking liquor in the V.A.O.'s office and directed



the defacto complainant, who is Village Assistant to look into the same, that in pursuance of the said direction, the defacto complainant came to the Office and found that the petitioner was taking liquor in front of the Village Assistant Office, that when the same was questioned by him, the appellant had attacked the defacto complainant, abused him in filthy language using caste name and that the defacto complainant suffered injury.

4. On the basis of complaint lodged by the Village Assistant, the above FIR came to be registered in Crime No.118 of 2022 on 11.05.2022 for the alleged offence under Sections 294(b), 323, 336, 353 IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. The learned Special Public Prosecutor attached to the Special Court at Pudukottai has filed their written objections and that the learned Sessions Judge upon perusing the materials and on hearing the arguments of both sides, has passed the impugned order dated 19.05.2022, dismissing the said petition.

5. The learned counsel for the appellant would submit that except making false submission, there is no proof to support the allegations levelled against the appellant; that the appellant is aged about 53 years and is suffering from diabetic and blood pressure and is taking treatment and that he is in custody from 11.05.2022.

6. The third respondent/defacto complainant is present.

7. The learned learned Government Advocate (Criminal Side), on getting instructions from the defacto complainant and the Police, would submit that the petitioner had attacked the defacto complainant with the chairs and also abused him in filthy language using caste name and thereby prevented the defacto complainant from discharging his official duty. He would further submit that the defacto complainant has taken in-patient treatment for four days and was subsequently, discharged from the hospital.

8. Considering the facts and circumstances of the case and also the fact that the injured was discharged from the hospital, that the petitioner is in custody from 11.05.2022 and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner.

9. In the result, the Criminal Appeal is allowed and the appellant is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040], without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special Court for Schedule Cases and Schedule Tribes (POA) Act cases, Pudukottai and on



to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court and on further conditions that

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Schedule Cases and Schedule Tribes (POA) Act cases, Pudukottai, may obtain a copy of any valid identity proof to ensure their identity.

(ii) The appellant shall report before the Thanjavur West Police Station, Thanjavur, daily at 10.30 am for a period of 30 days and thereafter, shall report before the respondent police daily at 10.30 am until further orders;

(iii) the appellant shall not tamper with evidence or witness either during investigation or trial.

(iv) 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.

(v) On breach of any of the aforesaid conditions, the learned 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]**.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

17/06/2022

Sub Assistant Registrar(CS)

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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 Judge,

The Special Court for Schedule Cases

and Schedule Tribes (POA) Act cases,

Pudukottai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Superintendent of Police,
Kottaipatinam,
Pudukottai District.

3.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.

4.The Inspector of Police,
West Police Station,
Thanjavur.

5.The Officer Incharge,
Sub Jail,
Aranthangi,
Pudukottai District.

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

COPY TO:

THE OFFICER INCHARGE,
MADURAI BENCH OF MADRAS HIGH COURT ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M. RAJESWARI, Advocate (SR-26309[F] dated 17/06/2022)
CRL.A(MD).No.354 of 2022
16.06.2022

kmk (CO)

GC(17.06.2022) 4P 9C