



Crl. A.(MD)No.360 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 24.08.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.360 of 2022

Munees @ Muneeswaran

... Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Range,
Madurai District.

2.State through
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Crime No.76 of 2022)

3.Muniyappan

... Respondents/Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (POA) Amended Act, 2016, to call for the records in Crl.M.P.No.986 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, dated 25.05.2022 and set aside the same as illegal and enlarge the appellant/petitioner/accused on bail in Crime No.76 of 2022 on the file of the second respondent police.



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For Appellant : Mr.R.Venkatesan

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor for R1 and R2
Mr.G.Manikandan for R3

JUDGMENT

This Criminal Appeal is directed against the order passed in Crl.M.P.No. 986 of 2022 dated 25.05.2022 by the learned III Additional District and Sessions Judge (PCR), Madurai.

2. The case of the prosecution is that the appellant assaulted the defacto complainant and abused him in filthy language. Hence, the second respondent registered a case against the appellant in Crime No.76 of 2022 for the offences under Sections 341, 294(b), 323 and 506(1) IPC altered into Sections 341, 294(b), 323 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

3. When the matter is taken up for hearing today, the third respondent/ defacto complainant Muniyappan is present before this Court and he would submit that he is not having any objection to grant bail to the appellant.



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4. The learned counsel for the appellant would submit that according to the third respondent, the police has taken his signature in blank paper.

5. The Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the appellant is a history sheeted person and is having 17 previous cases which includes 5 murder cases and that the appellant was earlier detained under Tamil Nadu Act 14 of 1982.

6. The learned counsel for the appellant would submit that the detention order was revoked vide order dated 15.07.2022.

7. The Additional Public Prosecutor appearing for the respondents 1 and 2 would further submit that investigation has already been completed and charge sheet has been filed against the appellant for the offences under Sections 341, 294(b), 323 and 506(1) IPC and Section 3(l)(r) of SC/ST (POA) Amendment Act 2015.

8. Considering the above facts and circumstances and also the facts that except the offences under Section 506(1) IPC and Section 3(l)(r) of SC/ST (POA) Amendment Act 2015, all other offences are bailable in nature, that the defacto complainant is not having any objection to grant bail to the appellant and that charge sheet has been filed, this Court is inclined to allow the Criminal Appeal by setting



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aside the order, dated 25.05.2022 made in Crl.M.P.No.986 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.

9. Accordingly, the Criminal Appeal is allowed and the order dated 25.05.2022 made in Crl.M.P.No.986 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, is set aside. The appellant is ordered 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 III Additional District and Sessions Judge (PCR), Madurai, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall appear before the trial Court on all working days 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 co-operate with the investigation.

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate



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action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.08.2022

Index : Yes/No
Internet : Yes/No
csm

To

- 1.The Superintendent,
Central Prison,
Madurai.
- 2.The III Additional District and Sessions Judge (PCR),
Madurai.
- 3.The Deputy Superintendent of Police,
Thirumangalam Range,
Madurai District.
- 4.The Inspector of Police,
Perungudi Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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