



CRL.A(MD).Nos. 425, 426 and 442 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 25.07.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).Nos. 425, 426 and 442 of 2022

1.Subramaniayan

2.Suresh

: Appellants /Accused
in CRL.A(MD).No. 425/2022

Ramraj

: Appellant/Accused
in CRL.A(MD).No.426/2022

Prabhakaran

: Appellant /Accused
in CRL.A(MD).No.442/2022

Vs.

1.The State rep.by its

The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
Crime No.89 of 2022.

: Respondents/Complainants

3.Kavitha

: Respondent/De-facto
Complainant
in CRL.A(MD).Nos. 425, 426 & 442/2022



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4.Thangaiah

5.Krishnamoorthi

6.Amutha

7.Kalaiselvan

8.Ajithkumar

: Respondent/De-facto

Complainants 4 to 8
(in CRL.A(MD).No.426 /2022)

Common Prayer : These Criminal Appeals are filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to call for the records and to set aside the order passed by the learned Sessions Judge, Mahila Court (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai in Cr.M.P.No.691 and 690 of 2022, dated 27.06.2022 respectively and in Cr.M.P.No.782 of 2022, dated 07.07.2022 and enlarge the appellants on bail.

(in all Appeals)

For Appellants : Mr.Arun.A.V.

For R1 and 2 : Mr.B.Nambi Selvan,
Additional Public Prosecutor

For R3 : Mr.R.Alagumani



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JUDGMENT

These Criminal Appeals have been filed to set aside the order passed in Cr.M.P.Nos. 691 and 690 of 2022, dated 27.06.2022 respectively and in Cr.M.P.No.782 of 2022, dated 07.07.2022, on the file of the learned Sessions Judge, (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai.

2.A case in Crime No.89 of 2022 was registered by the respondent Police, against the appellants under Sections 147, 294(b), 323, 324, 506(ii) IPC r/w 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (POA) Act and they were remanded to judicial custody from 20.06.2022, 20.06.2022 and 27.06.2022 respectively.

3.The appellants have filed petitions for bail in Crl.M.P.Nos.691, 690 and 782 of 2022 and the same were dismissed by the learned Sessions Judge, (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai, on 27.06.2022, 27.06.2022 and on 07.07.2022 respectively. Challenging the same, the appellants have preferred these Criminal appeals.



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4.The learned counsel for the appellants submitted that the appellants are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the appellants are in judicial custody from 20.06.2022, 20.06.2022 and 27.06.2022 respectively.

5.The learned counsel for the defacto complainants has filed his counter affidavit and raised objections to grant bail to the appellants.

6.The learned Additional Public Prosecutor appearing for the State submitted that the injured was discharged from the hospital and that the investigation is still pending.

7.Considering nature of the charges levelled against the appellants and also the facts that the injured was discharged from the hospital, that the counter case has been registered in Crime No.90 of 2022 against the defacto complainant and his party and that the appellants are in judicial custody from 20.06.2022; 20.06.2022 and 27.06.2022 respectively, this Court is inclined to allow the Criminal Appeals by setting aside the order



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passed in Cr.M.P.Nos. 691 and 690 of 2022, dated 27.06.2022 respectively and in Cr.M.P.No.782 of 2022, dated 07.07.2022, on the file of the learned Sessions Judge, (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai.

8. Accordingly, the Criminal Appeals are allowed and the orders passed in Cr.M.P.Nos. 691 and 690 of 2022, dated 27.06.2022 respectively and in Cr.M.P.No.782 of 2022, dated 07.07.2022, on the file of the learned Sessions Judge, (FAC), Special Court for Trial of SC/ST Act Cases, Pudukkottai, are 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 sureties, each for a like sum to the satisfaction of the learned Special Sessions Judge, Mahila Court (FAC) Special Court for Trial of SC/ST Act Cases, Pudukkottai and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Sessions Judge, Mahila Court (FAC) Special Court for Trial of SC/ST Act Cases, Pudukkottai, may obtain a copy of their valid identity card to ensure their identity.



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(b) the appellants are directed to stay at Chengalpattu District and report before the Inspector of Police, Chengalpattu Town Police Station, daily at 10.30 am for a period of one month and thereafter, shall appear before the respondent Police daily at 10.30 am until further orders ;

(c) the appellants shall not tamper with evidence or witness either during investigation or trial.

(d) the appellants shall co-operate with the investigation.

(e) 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]**.

25.07.2022

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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.



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To
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- 1.The Sessions Judge, (FAC),
Special Court for Trial of SC/ST Act Cases,
Pudukkottai
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai.
- 3.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
- 4.The Superintendent, Sub Jail,
Pudukkottai.
- 5.The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu
- 6.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR.J.,

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