



Crl. A.(MD)No.436 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.07.2022

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THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.436 of 2022

1.Jothi @ Jothi Raja
2.Chinnababu @ Ramasamy

... Appellants/A1 & A3

Vs.

1.The Deputy Superintendent of Police,
Melur Sub Division, Madurai.

2.State Through
The Inspector of Police,
Melavalavu Police Station,
Madurai.
In Crime No.82 of 2022.

... Respondents/Complainants

3.Adaikkan

... Respondent/De-facto Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to call for the records pertaining to the order dated 08.07.2022 passed in Crl.M.P.No.1432 of 2022 on the file of the learned III Additional District and Sessions Judge, PCR Court, Madurai and set aside the same and subsequently, enlarge the appellants on bail in connection with Crime No.82 of 2022 on the file of the second respondent police.



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For Appellants

For R1 and R2

For R3

: Mr.S.Ayyanar Prem Kumar

: Mr.B.Nambi Selvan

Additional Public Prosecutor

: Mr.A.Vadivel

JUDGMENT

This appeal has been filed to set aside the order passed in Crl.M.P.No.1432 of 2022 dated 08.07.2022, on the file of the learned III Additional District and Sessions Judge, PCR Court, Madurai.

2.The case of the prosecution is that there existed dispute between the parties regarding the catching of fish in a pond, the appellants and other accused attacked the de-facto complainant and another victim with deadly weapons, scolded them in filthy language and also removed their dress in front of the village people. Therefore, the second respondent registered a case against the appellants in Cr.No.82 of 2022 for the offences under Sections 147, 148, 294(b), 324 and 506(2) IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

3.The learned counsel for the appellants would submit that the appellants are innocents and they have been falsely implicated in this case. He would further submit that the appellants are in judicial custody from 19.06.2022 onwards.



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4.The learned counsel for the second respondent/de-facto complainant would submit that the second respondent is still having life threat and that he is having serious objections to release the appellants on bail.

5.The learned Additional Public Prosecutor would submit that the counter case in crime No.83 of 2022 is pending against the de-facto complainant and party and that appellants are having no previous case. He would further submit that the injured has been discharged from the hospital.

6.Considering the fact that there existed dispute between the parties regarding the catching of fish in a pond and also the facts that the injured was already discharged from the hospital, that the appellants are not having any previous case for similar or serious offence, that the counter case in Crime No.83 of 2022 is pending against the de-facto complainant and party and that the appellants are in judicial custody from 19.06.2022, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 08.07.2022 made in Crl.M.P.No.1432 of 2022 on the file of the learned III Additional District and Sessions Judge, PCR Court, Madurai.



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7. Accordingly, the Criminal Appeal is allowed and the order, dated 08.07.2022 made in Crl.M.P.No.1432 of 2022 on the file of the learned III Additional District and Sessions Judge, PCR Court, Madurai, 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 sureties, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, PCR Court, Madurai, and on further condition that:

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

[b]the appellants shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, Villupuram daily at 10:30 a.m., for a period of 30 days and thereafter, report before the respondent police daily at 10.30 a.m., 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.



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[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/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 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]**.

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Index : Yes/No

Internet : Yes/No

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To

- 1.The III Additional District and Sessions Judge, PCR Court, Madurai.
- 2.The Deputy Superintendent of Police,
Melur Sub Division, Madurai.
- 3.The Inspector of Police,
Melavalavu Police Station,
Madurai.
- 4.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
- 5.The Superintendent of Prison,
Central Prison, Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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