



CRL.A(MD).No. 469 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 469 of 2022

K.Sriram

: Appellant/A3

Vs.

1.The Deputy Superintendent of Police,
Thanjavur Sub Division, Thanjavur.

2.State rep.by

The Inspector of Police,
Town East Police Station,
Thanjavur District.

Crime No.869 of 2022.

: Respondents/Complainants

3.Kishore Varma

: 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 set aside the order of the I Additional District and Sessions Judge (PCR) Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thanjavur made in Crl.M.P.No.505 of 2022, dated 22.07.2022 and allow this appeal by enlarging the petitioner on bail in Crime No.869 of 2022 on the file of the second respondent Police.



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For Appellant : Mr.N.Balasubramanian
For R1 and 2 : Mr.B.Nambi Selvan,
Additional Public Prosecutor
For R3 : Mr.S.Sathya Chidambaram.

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in CrI.M.P.No.505 of 2022, dated 22.07.2022, on the file of the learned I Additional District and Sessions Judge (PCR) Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thanjavur.

2. The case of the prosecution is that there was some previous enmity between the appellant and the defacto complainant, due to which, the appellant and other accused attacked the defacto complainant and caused injuries. A case in Crime No.869 of 2022 was registered by the respondent Police against the appellant and other accused persons, under Sections 147, 148, 294(b), 324, 307 IPC and Sections 3(1) (r), 3(1)(s) and 3(2) (va) of SC/ST(POA)Act. Except the appellant, all other accused were released on bail, and the appellant was in judicial custody from 07.07.2022. The appellant filed a petition for bail in CrI.M.P.No.505 of



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2022 and the same was dismissed by the learned I Additional District and Sessions Judge, on 22.07.2022. Challenging the same, the appellant has preferred this Criminal appeal.

3. The learned counsel for the appellant submitted that the appellant is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the appellant is in judicial custody from 07.07.2022 and that except the appellant, all other accused were already released on bail.

4. The learned counsel for the defacto complainant/second respondent has raised objections to grant bail to the appellant.

5. The learned Additional Public Prosecutor appearing for the State submitted that the injured was discharged from the hospital and that the petitioner is not having any previous case.

6. Considering the above facts and circumstances of the case and also the facts that there existed previous enmity between the parties, that the co-accused were already granted bail by the Sessions Judge, that the



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appellant is not having any previous case and that the injured were discharged from the hospital, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 22.07.2022 made in CrI.M.P. No.505 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR) Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thanjavur.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 22.07.2022 made in CrI.M.P.No.505 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR) Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thanjavur., 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 I Additional District and Sessions Judge (PCR) Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thanjavur, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned I Additional District and Sessions Judge (PCR) Special Court for Trial of Cases under Scheduled



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Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thanjavur,
may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall stay at Villupuram and report before the Villupuram Town Police Station, daily at 10.30 am for a period of 15 days and thereafter, shall report before the respondent Police daily at 10.30 am, 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 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]**.

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

12.08.2022

das

K.MURALI SHANKAR,J.



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das

WEB COPY

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 I Additional District and Sessions Judge (PCR)
Special Court for Trial of Cases under SC/ST (POA) Act,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Thanjavur Sub Division, Thanjavur.
- 3.The Inspector of Police,
Town East Police Station,
Thanjavur District.
- 4.The Superintendent, Central Prison,
Trichy.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

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