



Crl. A.(MD)No.568 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl. A.(MD)No.568 of 2022

Hariharan

... Appellant/Petitioner/Sole Accused

Vs.

1.The State rep by
The Deputy Superintendent of Police,
Madurai Sub Division,
Madurai District.

2.The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.

(In Crime No.78 of 2022)

... Respondents 1&2/Respondents/Complainant

3.Amutha

... 3rd Respondent/Respondent/Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of SC/ST Act, to set aside the order dated 06.09.2022 made in Crl.MP.No.1808 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai District, in connection with Cr.No.78 of 2022 on the file of the 2nd Respondent police and enlarge the appellant on bail.



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For Appellant : Mr.J.Sulthan Basha

WEB COPY For R1 & R2 : Mr.S.Manikandan,
Government Advocate (Crl.Side)

For R3 : Mr.N.Ananathapadmanabhan
for M/s.APN Law Associates.

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned III Additional District and Sessions Judge (PCR), Madurai District, in Crl.MP.No.1808 of 2022, dated 06.09.2022.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that she is working as a part time Teacher in the Government Higher Secondary School, Varichiyur. Due to some previous enmity between the accused person and the defacto complainant, on 04.04.2022, there was school meeting in the presence of Hariharan/appellant herein. The defacto complainant did not attend the meeting. So, she was insulted and abused by calling her with caste name. When that was brought to her notice, she lodged the present complaint.

3.Based upon the above, case was registered. Now, the appellant was arrested and remanded to custody. Seeking bail, he filed a bail application before the III Additional District and Sessions Judge (PCR), Madurai District. That came to be dismissed.



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4.It has been brought to the notice of this Court that subsequent to the above said complaint, the appellant filed a false complaint against the defacto complainant by instigating some other School students. After due enquiry, that complaint was closed by pointing out that the conduct on the part of the appellant.

5.The learned counsel for the third respondent would submit that if the appellant is released on bail, he will make trouble to the defacto complainant.

6.The learned counsel for the appellant would submit that he is in incarceration for 42 days. By this time, the investigation might have been completed.

7.Perusal of CD file shows that most part of the investigation is also over. No purpose is going to serve by detaining the appellant in Prison. But, however, considering the conduct on the part of the appellant, the appellant shall file an undertaking affidavit before the concerned Court that he will not make any trouble to the defacto complainant in future.

8. On the basis of the undertaking affidavit, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 06.09.2022 made in Crl.MP.No.1808 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai District.



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9. Accordingly, the Criminal Appeal is **allowed** and the order dated 06.09.2022 made in Crl.MP.No.1808 of 2022 on the file of the III Additional District and Sessions Judge (PCR), Madurai District, is set aside. The Appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge (PCR), Madurai District, 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 report before the respondent police daily 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 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]**.



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

10.If any violation or misconduct is noticed, bail granted by this Court to the appellant, shall stand cancelled automatically without further reference to this Court. After releasing on bail, the appellant must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

28.09.2022

Index : Yes/No

Internet : Yes/No

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Note : Issue order copy on 29.09.2022

To

- 1.The III Additional District and Sessions Judge (PCR),
Madurai District.
2. The Deputy Superintendent of Police,
Madurai Sub Division,
Madurai District.
- 3.The Inspector of Police,
Karuppayoorani Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J

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