



Crl. A.(MD)No.592 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl. A.(MD)No.592 of 2022

1.Rajesh

2.Suresh

... Appellants

Vs.

1.The Deputy Superintendant of Police,
Aranthangi Sub-Division,
Pudukottai District.

2.The Inspector of Police,
Aranthangai Police Station,
Pudukottai District.

3.Saravanan
S/o.Athmanathan

.. Respondents

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of SC/ST (POA) Act, 1989 as Amended by Act 1 of 2016, to call for the records pertaining to the order dated 22.09.2022 made in Cr.M.P.No.1350 of 2022 on the file of the learned Special Court for Trial of SC/ST Act Cases, Pudukottai and set aside the same and enlarge



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the appellants on bail in connection with Crime No.529 of 2022 on the file of the second respondent by allowing this Criminal Appeal.

For Appellants : Mr.T.Lenin Kumar
For Respondents : Mr.S.Manikandan
Government Advocate(Crl.Side) for R1 and R2
Mr.D.Venkatesh for R3

JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to the order dated 22.09.2022 made in Cr.M.P.No.1350 of 2022 on the file of the learned Special Court for Trial of SC/ST Act Cases, Pudukottai and set aside the same and enlarge the appellants on bail in connection with Crime No.529 of 2022 on the file of the second respondent

2. The appellants are facing charges under Sections 294(b), 324, 506(2) of IPC r/w 3(1)(r), 3(1)(s), 3(s)(va) of SC/ST (Prevention of Atrocities) Act, 1989.

3. The trial Court dismissed the petition on the ground that even though, the matter has been compromised between the parties, Act 14 has been imposed upon the accused persons.



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4. When the matter is taken up for hearing on the earlier occasion, a query was made whether the order against the appellants under Act 14 was quashed by the Hon'ble Division Bench of this Court and this Court directed the learned counsel for the appellants to produce the order of Hon'ble Division Bench of this Court.

5. Today, when the matter is taken up for hearing, the learned counsel for the appellants submitted that no such order has been passed and only 110 Cr.P.C proceedings has been initiated against the appellants.

6. The matter was compromised between the parties and the defacto complainant is also present before this Court in person and he has also admitted that the matter has been compromised between them.

7. Considering the above said compromise and also the fact that the appellants are in judicial custody from 14.09.2022, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 22.09.2022 made in Cr.M.P.No. 1350 of 2022 on the file of the learned Special Court for trial of SC/ST Act Cases, Pudukottai.



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8. Accordingly, the Criminal Appeal is allowed and the order dated 22.09.2022 made in Cr.M.P.No.1350 of 2022 on the file of the learned Special Court for trial of SC/ST Act Cases, Pudukottai, is set aside. The appellants are ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Special Court for trial of SC/ST Act Cases, Pudukottai, 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 appellants shall 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.

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

30.09.2022

Index : Yes/No

Internet : Yes/No

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(Issue order copy on 30.09.2022)

To

- 1.The Deputy Superintendant of Police,
Aranthangi Sub-Division,
Pudukottai District.
- 2.The Inspector of Police,
Aranthangai Police Station,
Pudukottai District.
- 3.The Superintendant,
District Jail, Pudukottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J

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