



Crl.A(MD)No.643 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.643 of 2022

1.Manojkumar

2.Premkumar

... Appellants / Accused No.1 & 2

(this appeal was allowed on 20.10.2022 insofar as the second appellant is concerned)

Vs.

1.The State through

The Deputy Superintendent of Police,

Theni Sub Division,

Veerapandi Police Station, Theni District.

(Crime No.328 of 2022)

... 1st Respondent/Complainant

2.Abi @ Abimanyu

... 2nd Respondent/ Defacto
Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amendment Act 1 of 2016, to call for the records relating to the order, dated 11.10.2022 made in Cr.M.P.No.1035 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District, and set aside the same and enlarge the appellants on bail.

For Appellant : Mr.H.Velavadhas

For R-1 : Mr.S.S.Madhavan
Government Advocate (Crl. Side)

For R2 : Mr.K.P.Narayanakumar



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J U D G M E N T

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This Criminal Appeal has been filed to call for the records and set-aside the order passed by the learned learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District, dated 11.10.2022 made in Cr.M.P.No.1035 of 2022 and enlarge the appellant on bail.

2.Heard the learned Counsel appearing for the appellant, learned Government Advocate (Crl. Side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The first Appellant, who was arrested and remanded to judicial custody on 07.10.2022, for the offences punishable under Sections 294(b), 324, 506(ii) IPC, Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015, in Crime No.328 of 2022 on the file of the respondent police, seek appeal bail.

4.The second appellant was granted appeal bail by this Court, on 20.10.2022 and insofar as the first appellant is concerned, the matter is kept pending since it was stated that he is involved in previous case similar in nature in Crime No.22 of 2017. The first appellant was directed to file an undertaking affidavit, the same was also filed.



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5.The learned counsel appearing for the appellant would submit that the first appellant name was deleted from the final report in the above said Crime No.22 of 2017. Wrong information has been given by the first respondent while entertaining the appeal, on 20.10.2022. Since appeal bail was already granted to the second appellant, the first appellant is also standing in the very same footing. Hence, the same benefit may be extended to the first appellant also.

6.Whatever it may be, considering the manner of the occurrence, this Court is inclined to allow the Criminal Appeal in respect of the first appellant by setting aside the order, dated 11.10.2022 made in Crl.M.P.No.1035 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District.

7.Accordingly, the Criminal Appeal is **allowed** and the order, dated 11.10.2022 made in Crl.M.P.No.1035 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District, is set aside in respect of the first appellant. The first 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



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sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of SC/ ST (PoA) Act Cases, Theni District, and on further condition that:

[a] the first appellant shall appear before the concerned court, **daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening until further orders;**

[b] the first appellant shall not tamper with evidence or witness either during investigation or trial;

[c] the first appellant shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the first appellant in accordance with law, as if the conditions have been imposed and the second appellant released on bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

26.10.2022

Index : Yes/No

Internet : Yes/No

dss

Note: Issue order copy on 26.10.2022.



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To

- 1.The Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases,
Theni District.
- 2.The Deputy Superintendent of Police,
Theni Sub Division,
Veerapandi Police Station, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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