



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.02.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.550 of 2021

Ajay ... Appellant/Petitioner
Vs.

1.The Deputy Superintendent of Police,
Sivagangai Sub-Division,
Sivagangai District.

2.The State rep. by its
The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District,
In Crime No.402 of 2021. ...Respondents No.1&2/Complainants

3.Sankar ...3rd Respondent/Defacto Complainant

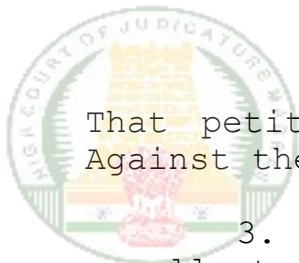
Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) 1989 to set aside the order of the learned Sessions Judge, Special Court for Exclusive trial of cases under SC/ST (POA Act), 1989, Sivagangai in Crl.M.P.No.1695 of 2021 and enlarge the petitioner on bail in Crime No.402 of 2021, on the file of the second respondent police.

For Appellant	: Mr.S.Raja
For R1 & R2	: Mr.R.M.Anbunithi Additional Public Prosecutor
For R3	: No appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, in Crl.M.P.No.1695 of 2021, dated 21.12.2021 and enlarge the appellant on bail.

2. The case against the appellant is that he humiliated the defacto complainant by uttering his caste name in a public place. A case in Crime No.402 of 2021 was registered by the respondent police, against the appellant, under Sections 147, 341, 294(b), 323, 506(ii) of IPC and Sections 3(1)(r) & 3(1)(s) of SC/ST (POA) Act. The appellant filed a petition for bail in Crl.M.P.No.1695 of 2021.



That petition was dismissed by the Special Court on 21.12.2021. Against the same, the appellant has preferred this Criminal Appeal.

3. On the side of the appellant, it is stated that the appellant is in custody for the past 86 days and the appellant has been falsely implicated in this case and prayed the appellant to be released on bail.

4. Since the defacto complainant is absconding in Cr.No.403 of 2021 for the offence under POCSO Act, notice was served on the maternal uncle of the defacto complainant. Mr.S.Vickram, learned counsel appeared for the private respondent.

5. On the side of the prosecution, it is stated that the occurrence took place on 25.09.2021. The defacto complainant sustained simple injuries and the injured was discharged from the hospital. The petitioner is having one previous case of similar in nature and prayed the appeal to be dismissed.

6. Considering the facts and circumstances of the case and also considering the fact that the defacto complainant is absconding in a criminal case, the nature of offence and considering the period of incarceration and the injured was discharged from the hospital, this Court is inclined to release the appellant on bail. Hence, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (iv) the appellant shall cooperate with the investigation and the appellant shall appear before the second respondent and Court both during investigation and trial, as and when required.
- (v) The appellant shall appear before the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai,



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daily at 10.30 a.m for a period of 15 days and thereafter, as and when required for interrogation ;

(vi) 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]**.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Sessions Judge, Special Court
for Exclusive Trial of Cases under SC / ST (POA) Act, 1989,
Sivagangai.
- 2..The Deputy Superintendent of Police,
Sivagangai Sub-Division, Sivagangai District.
- 3.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
- 4.The Officer Incharge, District Prison, Virudhunagar.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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04.02.2022

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TR(04.02.2022) 3P 6C