



CRL.R.C(MD)No.712 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.A(MD)No.712 of 2022

Lakshmanan @ Raja

... Appellant

Vs.

1.The State Rep by
The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.

2.State through,
The Inspector of Police,
Velayutham Pattinam Police Station,
Sivagangai District.

3.Periyannan

... Respondents

Prayer: This Criminal Appeal has been filed under Section 14 (A) (2) SC/ST (POA) Act, to call for the records pertaining to order passed by the Session Judge Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai in Crl.M.P.No.1438 of 2022 dated 31.10.2022 and set aside the same and release the appellant/petitioner on bail in Cr.No.36 of 2022 on the file of the second respondent.

For Appellant : Mr.G.Thiruvarut Selvan
For Respondents : Mr.S.Manikandan
Government Advocate (Crl.Side)
for 1 and 2



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JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to order passed by the Session Judge Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai in CrI.M.P.No.1438 of 2022 dated 31.10.2022 and set aside the same and release the appellant/petitioner on bail in Cr.No.36 of 2022 on the file of the second respondent.

2. On 09.11.2022, the third respondent/defacto complainant is present before this Court and he has stated that on the date of occurrence he was assaulted by the appellant.

3. The learned counsel for the appellant submitted that on the date of occurrence, the appellant along with other accused were in drunken mode and because of that only, that assault has been made. He further submitted that the injured has been discharged from the hospital and the appellant has also filed an undertaking affidavit stating that he will not give any trouble to the defacto complainant in future.



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4. On the earlier occasion, the second respondent police is present before this Court and he stated that the appellant is working in abroad, he came to his village on occasionally and whenever he came to village he involved in offences. Because of his nature and conduct more than 6 previous cases have been registered, out of which, 3 cases were disposed of. So far as this case is concerned without any reason, the appellant assaulted the complainant.

5. The conduct of the appellant cannot be approved. But however, considering the nature of injury and the period of incarceration, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 31.10.2022 made in Cr.M.P.No.1438 of 2022 on the file of the learned Session Judge Special Court for Exclusive trial of Cases under SC/ST Act Cases 1989, Sivagangai.

6. Accordingly, the Criminal Appeal is allowed and the order dated 31.10.2022 made in Cr.M.P.No.1438 of 2022 on the file of the learned Session Judge Special Court for Exclusive trial of Cases under SC/ST Act Cases 1989, Sivagangai, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-



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(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 1989, Sivagangai, 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 appellants 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.

7.The appellant has also filed an undertaking affidavit that he will not give any trouble to the defacto complainant in future. If any new case is registered against the appellant, the order of bail granted by this Court in this appeal shall stands cancelled automatically.

14.11.2022

Index : Yes / No
Internet : Yes/ No
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(Note :- Issue order copy on 16.11.2022)

To:

- 1.The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.
2. The Inspector of Police,
Velayutham Pattinam Police Station,
Sivagangai District.
- 3.The Session Judge Special Court for exclusive trial of cases under
SC/ST (POA) Act, 1989,
Sivagangai.



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G.ILANGOVAN,J

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