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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17/11/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.A(MD)No.720 of 2022

Karuppasamy

: Appellant/A3

Vs.

1.The State by Deputy Superintendent of Police,
Tiruchuli Division,
Virudhunagar District.

2.The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District,
(P.S in Cr.No.218 of 2022)

3.Murugan

: Respondents/Complainants

Prayer: Criminal Appeal is filed under section 14-A(2) of SC/ST Act, to set aside the order, dated 14/10/2022 made in Cr.M.P No.1945 of 2022 on the file of the Special Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Srivilliputtur (FAC) and enlarge the appellant on bail and pass such other orders.



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For Appellant : Mr.G.Karuppasamy Padian
For R1 and R2 : Mr.RMS.Sethuraman
Additional Public Prosecutor

J U D G M E N T

This Criminal Appeal has been filed seeking to set aside the order, dated 06/09/2021 made in Cr.M.P No.1945 of 2022 on the file of the Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Srivilliputtur (FAC) and enlarge the appellant/A3 on bail.

2.The case of the prosecution in brief:-

There was previous dispute between the de-facto complainant and the accused persons with regard to allocation of housing site. Due to which, on 16/10/2022 at 5.00 pm, the accused persons came in a lorry and dashed against the compound wall of the de-facto complainant. When the same was questioned, all the accused persons abused in filthy language by calling caste name of the de-facto complainant and also criminally intimidated him. On the basis of the above said occurrence, a case has been registered in Crime



No.218 of 2022 for the offences under sections 120(B), 294(b), 447 and 427 IPC and sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 2015.

3.Now the petitioner was arrested and remanded to judicial custody, on 17/10/2022 and ever-since, he is in custody. Seeking bail, he moved CrI.MP(MD)No.19455 of 2022 before the Special Court and that came to be dismissed, on 06/09/2022 considering the gravity of the offence. Challenging the above said dismissal order, this criminal appeal has been preferred.

4.The de-facto complainant is also represented by an Advocate and he is also present before this court. He has stated that because of enmity between the de-facto complainant and A1 and A2, his two houses have been damaged on the particular day. To show the above said damage, he has also produced the photographs.

5.But however, the learned counsel appearing for the appellant would submit that the appellant is only a driver working under A1 and there is no motive between



himself and the de-facto complainant. A1 and A2 have also moved a direction petition before this court and now, they are going to be surrendered before the concerned court.

6. Finding that even though heavy damage was to the house of the de-facto complainant by the the appellant and A1, considering the fact that there was no previous enmity between the appellant and de-facto complainant and also considering the incarceration period of the appellant, this court is inclined to allow the criminal appeal by setting aside, dated 03/11/2022 the order passed by the Cr.M.P No.1945 of 2022 on the file of the Sessions Judge, Special Court for trial of SC/ST (POA), Srivilliputtur, (FAC).

7. Accordingly, 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 Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Srivilliputtur, (FAC) and **on further condition that the appellant shall deposit a sum of Rs.25,000/-**



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(Rupees Twenty Five thousand only) to the credit of the
crime No.218 of 2022 and on further condition that the
appellant shall report before the respondent police daily
at 10.30 am until further orders.

17/11/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Special Sessions Judge (FAC),
Special Court for Trial of SC/ST
Act cases, Srivilliputhur
- 2.The State by Deputy Superintendent of Police,
Tiruchuli Division,
Virudhunagar District.
- 3.The Inspector of Police,
Tiruchuli Police Station,
Virudhunagar District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.A(MD)No.720 of 2022

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