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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14/12/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.A(MD)No.823 of 2022

1.Karuppasamy

2.Velraj

: Appellants/Petitioners/
A7 and A8

Vs.

1.The State by Deputy Superintendent of Police,
Kodaikkanal,
Dindigul District.

: R1/Complainant/
Complainant

2.The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District,
(Crime No.631 of 2021)

: R2/Respondent/
Complainant

3.Murugan

: R3/De-facto Complainant/
De-facto complainant

Prayer: Criminal Appeal is filed under section 14-A(2) of SC/ST (POA) Amendment Act, 2015 as Amended by Act 1 of 2016, to call for the records pertaining to the order passed in Cr.M.P No.1810 of 2022, dated 21/11/2022 on the file of the Special Court for exclusive trial of cases under SC/ST Act (POA) Act, Dindigul District and set aside the same as illegal and enlarge the appellants on bail.



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For Appellants : Mr.R.Shankar Ganesh

For R1 and R2 : Mr.M.Sakthikumar
Government Advocate
(Criminal side)

For 3rd Respondent : No appearance

J U D G M E N T

This Criminal Appeal has been filed seeking to set aside the order, dated 21/11/2022 made in Cr.M.P No.1810 of 2022 on the file of the Special Court for exclusive Trial of cases under SC/ST (POA) Act cases, Dindigul District and enlarge the appellants/A7 and A8 on bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that his son namely Prabakaran was threatened by the accused persons on suspicion that he has stolen the laptop and mobile phone, etc. Even though proper explanation was given by the above said Prabakaran, all the accused persons assaulted him, by asking him to pay Rs.1,00,000/- and also criminally intimidated. Because of the criminal intimidation and torture, he was in distressed mood and committed suicide, on 18/10/2021. On the basis of the above said occurrence, a case has been registered



originally under section 173 Cr.P.C and later, it was altered to 294(b), 323, 506(i), 306 IPC r/w 3(2)(v), 3(2)(va) of SC/ST (POA) Act, 1989.

3. Pending the above said investigation, the appellants and other accused persons were arrested and remanded to judicial custody.

4. Seeking bail, the appellants have filed regular bail before the Special Court and that came to be dismissed, on 24/11/2022. Challenging the same, this criminal appeal has been filed.

5. At the time of filing this appeal, it was pointed out that both the appellants and the de-facto complainant belonged to very same community namely Scheduled Caste, so the Special Act is not attracted against the appellants. On that account, the learned Government Advocate (Criminal side) was directed to verify the communal status of the parties. Now it has been informed to the court that the appellants also belong to the community of the de-facto complainant. So the offence under section 306 IPC alone remains.



6.The learned counsel appearing for the appellants would submit that A1 to A3 were already released on bail by the Principal Sessions Judge, Dindigul, in CrI.MP No.3992 of 2021, dated 26/11/2022. The appellants herein are also standing on the very same footing.

7.So on that sole ground, this court is inclined to allow the criminal appeal by setting aside the order, dated 21/11/2022 passed by the Cr.M.P No.1810 of 2022 on the file of the Special Court for exclusive trial of case under SC/ST (POA) Act, Dindigul District.

8.Accordingly, the **appellants are ordered to be released on bail** on their 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 Special Court for exclusive trial of cases under SC/ST (POA) Act cases, Dindigul District and on further condition that the appellants shall report before the respondent police daily at 10.30 am until further orders.

14/12/2022

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

- 1.The Special Court for exclusive trial of cases under SC/ST Act (POA) Act, Dindigul District.
- 2.The Deputy Superintendent of Police, Kodaikkanal, Dindigul District.
- 3.The Inspector of Police, Kodaikkanal Police Station, Dindigul 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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