



Crl.A(MD)No.833 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.833 of 2022

Manikandan

... Petitioner/Accused No.1

Vs.

1.The State rep. by

**The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.**

**2.The Inspector of Police,
Thenkarai Police Station,
Theni District.**

Crime No.425 of 2022 ... Respondents 1 & 2/Complainant

3.Velmurugan

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Amendment Act), 2014, Amendment Act 1 of 2016, to set aside the order made in Crl.M.P.No.1227 of 2022 on the file of the Special Court of Trial of cases under SC/ST (POA) Act, Theni, dated 21.11.2022 and allow the appeal and enlarge the appellant on bail.

For appellant : Mr.M.Sankar

**For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)**

For R3 : Mrs.M.Manimegalai



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when he was returned to his house, after purchasing some articles, again the above said Manikandan picked up quarrel, who was joined by other accused persons, abused and called the defacto complainant by his caste name, criminally intimidated and caused assault upon him with brick. Based upon the above said complaint, the case has been registered against the appellant and he was arrested and remanded into judicial custody on 25.10.2022. Ever since he is in custody. He moved an application seeking bail before the Special Court, Theni. The same was dismissed. Against which, the present appeal has been filed.

5.The learned Government Advocate (Crl. Side) would submit that the injured person has been discharged from the hospital. The learned counsel for the defacto complainant submitted that only after taking treatment for five days only, he was discharged from the hospital. She also submits that if the appellant is released on bail, he may again give trouble to the defacto complainant and vehemently opposed the grant of bail to the appellant.

6.It appears that the fourth accused in this case has been released on bail by the concerned Special Court. It is a petty issue between the parties. Out of which two incidents happened. Considering the period of



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incarceration, this Court is inclined to allow this appeal and grant bail to the appellant with certain conditions.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 21.11.2022 made in Crl.M.P.No.1227 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. 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, Theni District, and on further condition that:

[a] the appellant shall file an undertaking affidavit to the effect that he will not make any trouble to the defacto complainant in future;

[b] the appellant shall appear before the concerned court, 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 not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in



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P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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Index : Yes/No

Internet : Yes/No

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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,
Periyakulam Sub Division,
Theni District.
- 3.The Inspector of Police,
Thenkarai Police Station,
Theni 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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