



Crl.A(MD)No.829 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.12.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.A(MD)No.829 of 2022

1.Robin

2.Duraisingam

3.Bharathy

... Appellants/Petitioners/Accused
No.1,3,4

Vs

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kottaiipattinam Sub Division,
Pudukkottai District.

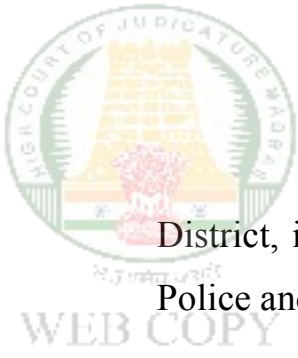
2.The Inspector of Police,
Thiruppunavasal Police Station,
Pudukkottai District.
(Crime No.55 of 2022)

... Respondents 1 and 2 /
Respondents / Complainant

3.Tamilselvan

... 3rd Respondent / Respondent /
Defacto Complainant

Prayer: This Criminal Appeal Case filed under Section 14-A(2) of SC/ST Act, to set aside the order dated 25.11.2022 made in Crl.M.P.No.1760 of 2022 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, Special Sessions Judge (FAC), Special Court for Trial of SC/ST (PoA) Act Cases, Pudukkottai



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District, in connection with Cr.No.55 of 2022 on the file of the 2nd respondent Police and enlarge the appellants on bail.

For Appellants : Ms. A.Banumathy

For R1 and R2 : Mr. S.Manikandan
Government Advocate (Crl.Side)

JUDGMENT

Challenging the order dated 25.11.2022, in Crl.M.P.No.1760 of 2022 passed by the learned Sessions Judge, Mahila Court, Pudukkottai, Special Sessions Judge (FAC), Special Court for Trial of SC/ST (PoA) Act Cases, Pudukkottai District, this Criminal Appeal has been filed by the appellants.

2. Case of the prosecution in brief:

The defacto complainant belongs to Scheduled Community. On 24.10.2022 at about 4.30 p.m., when he was standing near a grocery shop, the accused namely Robin and Jerold came in a two wheeler in a high speed manner and purchased cigarettes and at that time, one Kannadasan and Praveen questioned the above said Robin and Jerold as to why they are riding two wheeler in a high speed manner, when children are playing. There was wordy abuse between them. The accused Robin telephoned some persons, within a short time, one Bharathy, Duraisingam and Chinnadurai came to the occurrence



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place and all the five persons caused assault with knife with intention to murder the defacto complainant. The assault with knife was made by the three persons namely Duraisingam, Bharathy and Chinnadurai on various parts of the body, the accused Robin and Jerold assaulted him with wooden log and others also joined with above said assault. On the basis of the above said complaint, a case was registered in Crime No.55 of 2022. Seeking bail, the accused No.1,3 and 4 approached the trial Court namely Special Court, that was dismissed on 25.11.2022, against the same this appeal has been preferred by the accused No. 1, 3 and 4.

3.The learned Counsel for the appellants would submit that it is a case and counter case, in which the first petitioner is also injured and he also took treatment for the injuries. Over the above said complaint preferred by him, the case in Crime No.56 of 2022 was registered against six persons. According to him, injured have discharged from the hospital in both the case and counter case.

4. Per contra, the counsel for the defacto complainant would submit that absolutely there is no motive prior to the above said occurrence between them. But for simple issue, all persons joined together and caused assault upon the



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defacto complainant with knife, numbered 25 cut injuries. After prolonged treatment only, he was discharged from the hospital. Hence, he made strong objection to enlarge the appellants on bail.

5. On reading of the First Information Report it shows that Duraisingam namely second Appellant herein caused serious assault upon the defacto complainant. Even though, he is in custody for more than 45 days, considering the gravity of offences and the injury caused by him, he is not entitled for bail at this stage. **The appeal is dismissed in respect of the second appellant.** So far as the first and third accused are concerned, it has been stated that the appellants 1 and 3 assaulted one Kannadasan and Kumar with wooden log, the third appellant seems to be a college student, considering the limited overt act that have been attributed against the appellants No.1 and 3 and considering the period of incarceration, **the appeal is allowed in respect of the appellants No. 1 and 3. Hence, this appeal is partly allowed** and this Court is inclined to grant bail to the petitioners 1 and 3 with certain conditions.

7. Accordingly, the petitioners 1 and 3 are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge (FAC), Special Court for Trial of SC/ST (PoA) Act Cases, Pudukkottai, and on further



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condition that the petitioners 1 and 3 shall report before the respondent police daily at 10.30 a.m. until further orders.

21.12.2022

Index :Yes/No

Internet:Yes/No

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Note: Issue today on 22.12.2022

To

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kottaipattinam Sub Division,
Pudukkottai District.
- 2.The Inspector of Police,
Thiruppunavasal Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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JUDGMENT IN

Crl.A(MD)No.829 of 2022
and Crl.MP(MD)No.6856 of 2022

21.12.2022