



CRL.A(MD)No.876 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.A(MD)No.876 of 2022

Guna Sekaran

... Appellant / 1st Accused

Vs.

1. The State, represented by
The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

... 1st Respondent / Investigation
Officer

2. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.246/2022).

... 2nd Respondent / Complainant

3. Chandra Sekar

... 3rd Respondent / Defacto
Complainant

Prayer: This Criminal Appeal has been filed under Section 14 (A) (2) SC/ST (POA) Act, to call for the records relating to the impugned order dated 09.12.2022 made in Cr.M.P.No.1149 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, 1989, Ramanathapuram, and to set aside the same and consequently to release the appellant on bail in connection with the FIR in Crime No.246 of 2022 on the file of the second respondent Police.



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For Appellant : Mr. Jeyakarthik.M.S
For Respondents : Mr. Suresh Kumar.R
Government Advocate (Crl.Side)
for 1 and 2

JUDGMENT

This Criminal Appeal has been filed to call for the records relating to the impugned order dated 09.12.2022 made in Cr.M.P.No.1149 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (PoA) Act, 1989, Ramanathapuram, and to set aside the same and consequently to release the appellant on bail in connection with the FIR in Crime No.246 of 2022 on the file of the second respondent Police.

2. Case of the prosecution in brief:

On 15.11.2022 at about 8 p.m., the defacto complainant standing near liquor shop and taking alcohol. At that time, the accused came there, abused the defacto complainant, picking up the quarrel and on the next day on 16.11.2022 at about 6.15 p.m., again trouble raised between them. As a result, the accused assaulted the defacto complainant using brick stone. Based on the above said occurrence, complaint was lodged and First Information Report was registered and so the accused



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was arrested on 17.11.2022. The accused / appellant was filed bail petition in Cr.M.P.No.1149 of 2022 before the concerned Court and the same was dismissed on 09.12.2022, against which, the present appeal has been preferred.

3. The learned counsel for the appellant would submit that co-accused No.2 and 3 have already filed direction petition before this Court in CrI.O.P(MD) No.22103 of 2022 and obtained direction vide order dated 15.12.2022 for considering their bail application on merits on the very same day of their surrender. The appellant is in custody for more than 60 days.

4. The learned Additional Public Prosecutor would submit that if the accused is released on bail, again the quarrel may arise injured has been discharged from the hospital.

5. The learned counsel appointing for the defacto complainant would submit that he has sustained injury on the right eyebrow region and he is now taking treatment as outpatient in the eye hospital. He further submitted that he will produce the report to show the nature of injury and treatment, till then the appellant may be in custody.



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6. Considering the period of incarceration of the appellant, the appellant is ordered to be released on bail on her executing a 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 Special Court for trial of cases registered under SC/ST Act (PoA) Act, Ramanathapuram, 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 appellants shall report before the respondent police daily at 10:30 a.m., until further orders.

[c]the appellants shall not tamper with evidence or witness either during investigation or trial.

[d]the appellants 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 appellants released on bail by the learned Sessions



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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]**.

[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.

23.12.2022

Index : Yes / No
Internet : Yes/ No
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(Note :- Issue order copy on 23.12.2022)

To:

1. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanthapuram District.
- 3.The Session Judge,
Special Court for trial of cases
registered under SC/ST Act (PoA) Act,
Ramanathapuram.



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G.ILANGOVAN,J

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