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Crl.A.No.203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.A.No.203 of 2023

N.Manoharan

... appellant

Vs.

1.The Deputy Superintendent of Police,
Kanchipuram,
Kanchipuram District.
(Crime no.8 of 2023)

2.The Inspector of Police,
Magaral Police Station,
Magaral,
Kancheepuram District

3.Mrs.Neelambari

... Respondents

PRAYER : Criminal Appeal has been filed under section 14A(2) of the SC & ST Act 1989, to set aside the order dated 16.02.2023 in Crl MP.No.936 of 2023 passed by the learned Principal Sessions Judge, Special Court for



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exclusive trial of cases under SC /ST(POA) Act, 2012, Kancheepuram District at Chengalpet and enlarge the appellant on bail in connected with Crime no.13 of 2023 on the file of the first respondent.

For Appellant : Mr.K.G.Senthilkumar

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor(Crl.side)
for RR1 & 2
Ms.S.Deepika for R3

ORDER

This Criminal Appeal has been filed, praying to set aside the order dated 16.02.2023 in Crl MP.No.936 of 2023 passed by the learned Principal Sessions Judge, Special Court for exclusive trial of cases under SC /ST(POA) Act, 2012, Kancheepuram District at Chengalpet and enlarge the appellant on bail in connected with Crime no.13 of 2023 on the file of the first respondent.

2.The learned counsel for the appellant has submitted that the respondent Police registered a case in crime no.08 of 2023 on 08.01.2023 for the offences alleged under Sections 341, 324, 354, 506(ii) IPC &



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3(2)(r)(s), 3(1)(g), 3(2)(z), 3(2) (zb) of SC/ST(POA) as amendment Act 2015 in pursuant to the complaint given by one Neelambarai. He further submitted that the appellant herein is A1 in this case. Further, the allegation against the appellant is that there is a land dispute between the appellant/A1 and the defacto complainant. In this regard, on 06.01.2023 at about 4 pm, there is a quarrel between the accused/A1 and defacto complainant. The appellant assaulted the defacto complainant and her husband namely Pandian with a log and they sustained injuries. The appellant is in judicial custody from 16.02.2023 till date however, other co-accused were released on bail. Therefore, the learned counsel prays for grant of bail to the appellant/A1.

3.Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 vehemently objected for grant of bail to the appellant, stating that a counter case in crime no.7 of 2023 has also been registered against the appellant/A1 with regard to the occurrence happened on 08.01.2023 and the investigation in Crime nos.7 of 2023 and



8 of 2023 are pending.

4.Heard Mr.K.G.Senthilkumar, learned counsel for the appellant and Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor for the respondents 1& 2 and Ms.S.Deepika, learned counsel for the defacto complainant/third respondent. I have considered the submissions made by the learned counsel appearing for the respective parties and perused the entire materials placed on record.

5.Considering the nature of allegation in the complaint that the occurrence took place due to land dispute between the parties and also considering fact that the appellant was in judicial custody from 16.02.2023, I am inclined to grant bail to the appellant with the following conditions:

(i) The appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Special Court for exclusive trial of



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cases under SC /ST (POA) Act, Kancheepuram District at Chengalpet.

(ii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) the appellant shall not tamper with evidence or witness either during investigation or trial;

(iv) the appellant shall report before the respondent police on the first working day of every month.

(v) the appellant shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions has been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Index: Yes/No
dn

Issue on 31.03.2023.

To

1.The learned Sessions Judge, Special Court for exclusive trial of cases under SC /ST (POA) Act, Kancheepuram District at Chengalpet.

2.State rep. by

1.The Deputy Superintendent of Police,
Kanchipuram,
Kanchipuram District.
(Crime no.8 of 2023)

2.The Inspector of Police,
Magaral Police Station,
Magaral,
Kancheepuram District

4.The Public Prosecutor,
High Court of Madras, Chennai-104.

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**V.SIVAGNANAM, J.,
dn**

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