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Crl.A.No.271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.A.No.271 of 2023

1. Premkumar
S/o.Chinnaiyan

2. Kamalesh
S/o.Saravanan

....

Appellants

Vs

1. State rep. by
Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Mayiladuthurai

2. Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.

3. Karikalan

....

Respondents

PRAYER : Criminal Appeal has been filed under section 14(A)(2) of Schedule Caste and Schedule Tribes Act, 1989, to set aside the order passed by the learned Principal District and Sessions Judge/Special Court for SC/ST Act, Nagapattinam in Crl.M.P.No.572/2023 dated 03.03.2023 and enlarge the appellants/accused on bail in connection with Crime No.26 of 2023 on the file of the Inspector of Police, Manalmedu Police Station, Mayiladuthurai.



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For Appellants	: Mr.C.T.Saravanan
For R1 & R2	: Mr.A.Gokulakrishnan Additional Public Prosecutor
For R3	: No appearance

JUDGMENT

This Criminal Appeal has been filed against the impugned order passed by the learned Principal District and Sessions Judge/Special Court for SC/ST Act, Nagapattinam in Crl.M.P.No.572/2023 dated 03.03.2023

2. The learned counsel appearing for appellants submitted that based on the complaint given by the third respondent/defacto complainant, a case was registered against the appellants in Crime No.26 of 2023 for the offences punishable under Sections 341, 294(b), 323, 324 of IPC and r/w Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. These appellants are arrested and remanded to judicial custody from 25.01.2023. The victim was also discharged from the hospital. Therefore, he seeks bail to the appellants.

3. When the matter is taken up for hearing, the learned Additional



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Public Prosecutor appearing for the State submitted that the investigation is pending and objected to grant of bail.

4. Heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the State and also perused the materials available on record.

5. Though notice has been sent to the defacto complainant and his name is printed in the cause list, there is no appearance neither on behalf of the defacto complainant nor through his counsel.

6. A perusal of the records and FIR reveals that, on 25.01.2023, the complainant/Karikalan was assaulted by the first accused along with other accused. The name of the second appellant/accused is not mentioned in the FIR and further the appellants are in judicial custody from 25.01.2023. It is also informed that the victim/Karikalan was discharged from the hospital.

7. Considering the allegations levelled against the appellants and



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also the period of incarceration of the appellants from the date of their arrest i.e. 25.01.2023, this Court is inclined to grant bail to the appellants. Accordingly, the Criminal Appeal is allowed on the following conditions:

- (i) The appellants shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each along with two sureties, each, for a likesum to the satisfaction of the Learned Principal District and Sessions Judge/Special Court for SC/ST Act, Nagapattinam.
- (ii) The appellants and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- (iii) The appellants shall appear before the respondent police in the first day of every month, until further orders.

29.03.2023

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To



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- 1.The Principal District and Sessions Judge/Special Court for SC/ST Act, Nagapattinam.
2. The Deputy Superintendent of Police, O/o.Deputy Superintendent of Police, Mayiladuthurai.
3. The Inspector of Police, Manalmedu Police Station, Mayiladuthurai District.
- 4.The District Jail, Nagapattinam
- 5.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.,

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