



WEB COPY

CRL.A.NO.336 OF



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.A.NO.336 OF 2023

1.Perumal @ Ayyamperumal

2.Arivalagan @ Arivu

... Appellants

Vs.

State by

1.The Deputy Superintendent of Police
Edappadi, Salem District.

2.The Inspector of Police
Edappady Police Station
Edappady, Salem District.
(Cr.No.71 of 2023)

3.Ramesh

... Respondents

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the SC / ST Act, 1989, to set aside the order passed by the Principal Sessions Judge, Salem, in CrI.M.P.No.734 of 2023 and the same was dismissed on 16.03.2023 and enlarge the appellants on bail in Cr.No.71 of 2023 pending on the file of the Inspector of Police, Edappady Police Station, Edappady, Salem District.

For Appellants : Mr.C.Prakasam

For Respondents : Mr.A.Gokulakrishnan
1 and 2 Additional Public Prosecutor

For Respondent 3 : No appearance



JUDGMENT

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This Criminal Appeal has been preferred by the appellants against the dismissal of the bail petition preferred by them before the learned Principal Sessions Judge, Salem, in Crl.M.P.No.734 of 2023 dated 16.03.2023 and to enlarge them on bail.

2.The learned counsel for the appellants submitted that the respondent police registered a case in Crime No.71 of 2023 for the offences punishable under Sections 294(b), 323, 506(i) IPC r/w. Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015, upon a complaint given by the defacto complainant / third respondent herein, which was only a wordy quarrel. On 08.03.2023, when the defacto complainant talking with his friend at Bus Stand, the first accused came in a drunken manner, quarrelled with the defacto complainant's friend by saying that the defacto complainant is hailing from Scheduled Caste. When it was questioned by the defacto complainant, he was assaulted by the accused and the accused abused him in filthy language mentioning his caste name. The appellants/accused were arrested and remanded to judicial custody on 11.03.2023. Subsequently, the appellants filed a bail petition before the learned Principal Sessions Judge, Salem, in Crl.M.P.No.734



of 2023 and the same was dismissed 16.03.2023, without considering the fact that the occurrence is only a wordy quarrel and there is no serious injuries caused to the victim / defacto complainant. Therefore, the appellants seek to enlarge them on bail.

3.The learned Additional Public Prosecutor for the respondents 1 and 2 conceded that there was a wordy quarrel between the appellants and the defacto complainant and no serious injuries have been caused by the appellants to the victim / defacto complainant.

4.I have considered the submissions made by the learned counsel for the appellants and the learned Additional Public Prosecutor and perused the materials available on record.

5.Though notice has been served on the defacto complainant / third respondent and his name also printed in the cause list, none appears on behalf of the third respondent.

6.On perusal of the records and the FIR, the fact reveals that the respondent police registered a case in Crime No.71 of 2023 for the offences



punishable under Sections 294(b), 323, 506(i) IPC r/w. Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015, upon a complaint given by the defacto complainant. It is seen from the records that there was wordy quarrel between the appellants and the defacto complainant. On 08.03.2023, when the defacto complainant talking with his friend at Bus Stand, the first accused came in a drunken manner, quarrelled with the defacto complainant's friend by saying that the defacto complainant hailing from Scheduled Caste. When it was questioned by the defacto complainant, he was assaulted by the accused and the accused also abused him in filthy language mentioning his caste name. The appellants/accused were arrested and remanded to judicial custody on 11.03.2023. The appellants filed a bail petition before the learned Principal Sessions Judge, Salem, in CrI.M.P.No.734 of 2023 and the same was dismissed on 16.03.2023. There is no serious injuries caused to the victim / defacto complainant.

7.Considering the nature of the offence and the allegations levelled against the appellants and also considering the fact that the appellants are in judicial custody from 11.03.2023, this Court is inclined to grant bail to the accused / appellants.



8. Accordingly, the impugned order dated 16.03.2023 passed in Crl.M.P.No.734 of 2023 by the learned Principal Sessions Judge, Salem, is set aside and the appellants / accused are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each, for the like sum before the learned Principal Sessions Judge, Salem. Further,

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the above said Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellants shall not tamper with evidence or witness either during investigation or trial;

(c) the appellants shall appear before the above said Court on receipt of summon;

(d) the appellants 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



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against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the 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;

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

9. With the above directions, this Criminal Appeal is allowed.

18.04.2023

Internet : Yes/No
Note : Issue order copy on 19.04.2023
TK



To

1.The Principal Sessions Judge
Salem.

2.The Deputy Superintendent of Police
Edappadi, Salem District.

3.The Inspector of Police
Edappady Police Station
Edappady,
Salem District.

4.The Public Prosecutor
High Court of Madras.

5.The Superintendent
Central Prison
Salem,
Salem District.



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V.SIVAGNANAM, J.

TK

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