



CrI.A.No.396 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.A.No.396 of 2023

Prithiviraj
...Appellant

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 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 CrI.M.P.No.1156/2023 dated 23.03.2023, and enlarge the Appellant / 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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District.

For Appellant : Mr.C.T.Saravanan

For Respondents : Mr.E.Raj Thilak

Additional Public Prosecutor for R1 & R2

R3 – No Appearance

J U D G M E N T

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.1156/2023 dated 23.03.2023

2. The learned counsel appearing for appellant submitted that based on the complaint given by the third respondent/defacto complainant, a case was registered against the appellant 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. The appellant was arrested and remanded to judicial custody from 23.03.2023. The victim was also discharged from the hospital. Therefore, he seeks bail to the appellant.



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3. When the matter is taken up for hearing, the learned Additional 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 appellant 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 reveals that, on 24.01.2023, the complainant/Karikalan was assaulted by the appellant along with other accused. It is seen that the name of the appellant is not mentioned in the FIR and further the appellant is in judicial custody from 23.03.2023. It is also informed that the victim/Karikalan was discharged from the hospital.



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7. Considering the allegations levelled against the appellant and also the period of incarceration of the appellant from the date of his arrest i.e. 23.03.2023, this Court is inclined to grant bail to the appellant. Accordingly, the Criminal Appeal is allowed on the following conditions:

(i) The appellant shall execute a bond for a sum of Rs.25,000/~ (Rupees twenty five thousand only) along with two sureties, each, for a like sum to the satisfaction of the Learned Principal District and Sessions Judge/Special Court for SC/ST Act, Nagapattinam.

(ii) The appellant 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 appellant shall appear before the respondent police in the first day of every month, until further orders.

10.05.2023

kkn/shr

Internet : Yes/No

Index: Yes/No



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Speaking / Non-speaking order
Neutral Citation : Yes/No

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To:-

- 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 of Madras,
Madras.



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SUNDER MOHAN, J.

KKN/SHR

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