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Crl.A.No.634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.A.No.634 of 2023

1. Saranraj @ Charles
2. Muthupandi

... Appellants

Vs.

1. The Deputy Superintendent of Police,
Mayiladuthurai District.
2. The Inspector of Police
Sirkazhi police station,
Mayiladuthurai.
Cr.No.542/2022.

3. Kavitha

... Respondents

Prayer : Criminal Appeal filed under Section 14 (A) of the SC / ST Act, 1989, to set aside the order of the learned Principal District and Sessions Judge, Nagapattinam in Crl.M.P.No.1783 of 2023 dated 01.06.2023 and enlarge the appellants on bail in Crime No.542/2022 on the file of the 2nd respondent police.

For Appellants : Mr.V.Parthiban for
Mr.A.Ilayaperumal

For Respondents : Mr.R.Vinothraja,
R1 and R2 Government Advocate (Crl. side)



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J U D G M E N T

The present Criminal Appeal has been filed against the orders passed by the Principal District and Sessions Judge, Nagapattinam in Cr.M.P.No.1783 of 2023, dated 01.06.2023.

2. Based on the complaint lodged by the defacto complainant, the respondent Police registered an FIR in Crime No.542/2022 against the appellants along with other accused for the offences under sections 147, 148, 302, 120 (B), 342, 427, 294 (b), 506(ii), 34 and 115 of I.P.C., r/w. 3(2)(va) and 3(2)(v) of the Scheduled Castes and scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 and arrested the appellants along with other accused and remanded them to the Judicial custody from 25.12.2022.

3. The case of the prosecution is that the accused persons including the appellants herein conspired with each other and formed an unlawful assembly and attacked the deceased Dinesh with wooden log and iron rod and caused grievous injuries to him, as a result of which, the



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deceased fell down, he was rushed to a hospital where he was declared dead by the Doctors.

4. The appellants who are A2 and A8, filed Cr.M.P.No.1783 of 2023 in Crime No.542 of 2022 before the Principal District and Sessions Court, Nagapattinam, for bail, which was dismissed on 01.06.2023, aggrieved by which, the appellants have preferred the present appeal.

5. Heard Mr.V.Parthiban, learned counsel for the appellants and Mr.R.Vinothraja, learned Government Advocate (Crl. side) appearing for the respondents 1 and 2.

6. The Deputy Superintendent of Police conducted investigation and filed final report in Special S.C.No.12 of 2023 wherein the appellants who were shown as A2 and A8, found guilty for the offences under Sections 120 (B), 147, 148, of I.P.C. r/w. Section 115, 302 of I.P.C.,



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7. On a perusal of the orders passed by the trial Court in Crl.M.P.No.1783 of 2023, dated 01.06.2023, it appears that the trial Court had dismissed the bail application filed by the appellants herein mainly on the ground that the accused have committed offences under SC/ST Act. However, SC/ST Act is not attracted insofar as the appellants are concerned and the appellants are confined in prison since 26.12.2022. Hence, this Court is inclined to enlarge the appellants on bail with certain conditions.

8. Accordingly, this Criminal Appeal stands allowed. The appellants who are A2 and A8, are granted bail on the following conditions:

- i. the appellants are directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District and Sessions Judge, Nagapattinam;
- ii. the appellants and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal



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District and Sessions Judge, Nagapattinam, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

- iii. the appellants are directed to appear before the trial Court everyday at 10.30 a.m., until further orders;
- iv. on breach of any of the aforesaid conditions, the learned Magistrate/ 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 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]***;
- v. if the appellants thereafter abscond, a fresh FIR can be registered under Section 229A IPC; and
- vi. if the appellants do not comply with the condition (i) above, the Principal District and Sessions Judge, Nagapattinam, may take them into custody.

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Index: Yes/No
Speaking/Non-Speaking order
vum



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R. HEMALATHA, J.

vum

To

1. The Principal District and Sessions Judge,
Nagapattinam
2. The Deputy Superintendent of Police,
Mayiladuthurai District.
3. The Inspector of Police
Sirkazhi police station,
Mayiladuthurai.
4. The Superintendent of Police,
Central Prison,
Trichy.
5. The Superintendent of Police,
The District Jail, Nagapattinam.
6. The Section Officer,
Criminal Section,
Madras High Court, Chennai.

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