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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2023**

CORAM

THE HONOURABLE MR. JUSTICE **G.ILANGO VAN**

Crl.A(MD)No.6 of 2023

1.Vijayaprabhu

2.Karthik

.. Appellants/Accused Nos.2 and 4

Vs.

1.The State rep. by

The Deputy Superintendent of Police,

Peraiyur,

Madurai District.

2.The State rep. by

The Inspector of Police,

V.Chatrapatti Police Station,

Madurai District.

(Crime No.52 / 2022)

... 2nd Respondent/Complainants

3.Pandiyarajan

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Amendment Act 2015, to set aside the order of IIIrd Additional District and Sessions Judge(PCR) Court, Madurai made in Cr.M.P.No.3383 of 2022 dated 27.12.2022 and allow this appeal by enlarging the appellants on bail in connection with Crime No.52 of 2022 on the file of the second respondent.



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For appellant : Mr.D.S.Haroon Rasheed
For R-1 & R-2 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R3 : Mr.S.Poorna Chandran
Legal aid counsel

JUDGMENT

This Criminal Appeal has been filed against the order that has been passed by the learned learned III Additional District and Sessions Court (PCR), Madurai, in Cr.M.P.Nos.3383 of 2022 dated 27.12.2022 and enlarge the appellants on bail.

2.The appellants, who were arrested and remanded to judicial custody on 25.10.2022, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307, 302, 506(ii) of IPC and Section 3(2)(v) of SC/ST (POA) Act 1989, in Crime No.52 of 2022 on the file of the respondent police, seek appeal bail.

3.Mr. Poorna Chandran, learned legal aid counsel appointed as learned counsel for the third respondent/defacto complainant, since he was appeared on behalf of the third respondent/defacto complainant in the earlier petitions also, which have been filed by the co-accused.



4.The case of the prosecution as mentioned in the FIR is that on 22.10.2022, the defacto complainant visited his native place. At that time, on 24.10.2022 at about 1.30 p.m., he along with his friends went to TASMACH shop for purchase the liquor. At that time counter party came their and picked up quarrel and hit by two wheeler. Over the above said issue trouble has arisen between two groups. It ended in causing assault with each other. The first accused in this matter alleged to have made assault upon the deceased with wooden log. He died on the spot. The co-accused assaulted the defacto complainant and others with wooden logs. They all sustained injuries. Over which case in counter has been registered in Crime No.53 of 2022. Reading of the counter case FIR, it shows that there was a trouble between two groups. It appears that there is no previous motive. In drunken mood there is a clash between them.

5.The learned Additional Public Prosecutor submitted that the appellants are not having any bad antecedents. The counsel for the defacto complainant submitted that if the appellants are released on bail, there is every likelihood in threatening the defacto complainant party, he made strong objections.



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6. Considering the period of incarceration and since there was no previous motive and there was sudden quarrel between two group of people in drunken mood, this Court is inclined to allow this appeal and grant bail to the appellants with certain conditions.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 27.12.2022 made in CrI.M.P.No.3383 of 2022, on the file of the learned III Additional District and Sessions Judge, (PCR Court), Madurai District, is hereby set aside. The appellants 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 a like sum to the satisfaction of the learned III Additional District and Sessions Judge, (PCR Court), Madurai, and on further condition that:

[a] the appellants shall appear before the concerned court, daily at 10:30 a.m. until further orders;

[b] the appellants shall not tamper with evidence or witness either during investigation or trial;

[c] the appellants shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

06.01.2023

Index : Yes/No

Internet : Yes/No

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To

1.The III Additional District and Sessions Judge, Special Court for PCR Cases, Madurai,

2.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.

3.The Inspector of Police,
V.Chatrapatti Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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