



Crl.A(MD)No.125 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.125 of 2023

Suvitha

... Appellant/Accused No.1

Vs.

State rep. by its:

**1.The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Uthamapalayam,
Theni District.**

... 1st Respondent/Investigating Officer

**2.The Inspector of Police,
Uthamapalayam Police Station,
Theni District. (Crime No.37 of 2023)**

... 2nd Respondent/Complainant

3.Pandiarasi

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (POA) Act 1989, to call for the records relating to the order in Cr.M.P.No.183 of 2023, before the learned Special Court for Trial of Cases under SC/ST (POA) Act, Theni and the same was dismissed on 09.02.2023 and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.



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For appellant : Mr.C.Jeganathan
For R-1 & R-2 : Mr.B.Nambi Selvan
Government Advocate (Crl. Side)
For R3 : Mr.K.Prabakaran, Legal Aid Counsel.

J U D G M E N T

This Criminal Appeal has been filed to set aside the order of Special Court for Trial of Cases under SC/ST (POA) Act, Theni, made in Cr.M.P.No.183 of 2023, dated 09.02.2023 and allow this appeal by enlarging the appellant on bail in connection with Crime No.37 of 2023 on the file of the 2nd respondent.

2.The appellant, who was arrested and remanded to judicial custody on 18.01.2023, for the offences punishable under Sections 294(b), 323, 109 of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act 1989 in Crime No.37 of 2023 on the file of the respondent police, seek appeal bail.

3.The case of the prosecution is that the defacto complainant availed loan from Axis Bank, Cumbum, in 2022 and she was regularly repaying the same. The above said loan was arranged by this petitioner alleging that there



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was a delay in repaying the loan amount, there was a wordy quarrel between them. On 27.01.2023 at about 10.00 p.m., when the defacto complainant along with her husband was in the house, the accused came there, asked them to come out of the house and instigated the co-accused to cause assault. They abused the defato complainant and her husband in filthy language and caused assault to her husband. Injured was also taken to the hospital, over which, the complaint has been registered. This accused was arrested and remanded to custody on 29.01.2023. Ever since, she is in custody. Seeking bail, she filed bail application before the Special Court and that came to be dismissed, on the ground that continuous threat was made by this accused person. Against the above said order, this appeal has been preferred.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor. Mr.K.Prabakaran (Enrol No.1073/2007) learned counsel from the legal aid panel is appointed to defend the case on behalf of the third respondent and he was also heard.

5.Considering the facts and circumstances of the case, it is seen that trouble has arises between the parties out of trivial issue. Since no bad antecedents was reported against the appellant and considering the period of



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incarceration, this Court is inclined to allow this petition and to grant bail to the petitioner.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 09.02.2023 made in Crl.M.P.No.183 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of SC / ST (PoA) Act Cases, Theni District, and on further condition that:

[a] the appellant shall file an undertaking affidavit to the effect that he will not make any trouble to the defacto complainant in future;

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

[c] the appellant shall not tamper with evidence or witness either during investigation or trial;

[d] the appellant 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 against the appellant in accordance with law, as if the conditions have been imposed and the appellant released on bail



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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].

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Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 16.02.2023.

To

1.The Sessions Judge, Special Court for Trial of Cases under SC/ST (POA)
Act, Theni,

2.The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Uthamapalayam,
Theni District.

3.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

4.The Superintendent, Central Prison for Women, Madurai.

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



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G.ILANGO VAN,J.

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