



CRL.A(MD).No. 153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.153 of 2023

Pavithran

:Appellant

Vs.

State rep by its :

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

2.The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.24 of 2023.

3.Chandrakumar

:Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to call for the records pertaining to the order dated 08.02.2023 in CrI.M.P.No.180 of 2023 on the file of the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Theni and to set aside the same and enlarge the appellant on bail in connection with Crime No.24 of 2023, dated 16.01.2023 on the file of the respondent Police.

For Appellant : Mr.S.Sivaprakash



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For R1 and R2 : Mr.A.Albert James,
Government Advocate (Criminal Side)

For R3 : Mr.R.Alagumani

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in CrI.M.P.No.180 of 2023, dated 08.02.2023, on the file of the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Theni and enlarge the appellant on bail in connection with Crime No.24 of 2023, dated 16.01.2023 on the file of the respondent Police.

2. The case of the prosecution is that there was some previous enmity between the appellant and the defacto complainant, due to which, the appellant and other accused attacked the defacto complainant and caused injuries. A case in Crime No.24 of 2023 was registered by the second respondent Police against the appellant and other accused persons, under Sections 147, 148, 294(b), 341, 427, 324, 506(ii) IPC and Sections 3(1) (r), 3(1)(s) and 3(2) (va) of SC/ST(POA)Act. The appellant was in judicial custody from 20.01.2023. He has filed a petition for bail in CrI.M.P.No.180 of 2023 and the same was dismissed by the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Theni, on



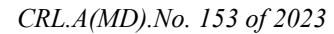
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08.02.2023. Challenging the same, the appellant has preferred this Criminal appeal.

3. The learned counsel for the appellant would submit that the appellant is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the appellant is in judicial custody from 20.01.2023.

4. The learned counsel for the defacto complainant/third respondent has raised objections to grant bail to the appellant.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that though FIR came to be registered for the offences under Sections 147, 148, 294(b), 341, 427, 324, 506(ii) IPC and Sections 3(1) (r), 3(1)(s) and 3(2) (va) of SC/ST(POA)Act, subsequently, after initial investigation, the case was altered into Sections 147, 148, 294(b), 341, 324, 506(ii) IPC and Sections 3(1) (r), 3(1)(s), 3(1)(y) and 3(2) (va) of SC/ST(POA)Act and that the offence under Section 427 IPC was deleted. He would further submit that the injured was discharged from the hospital and that the petitioner is having one previous case for similar



offence. He would further submit that the appellant is in judicial custody from 20.01.2023.

6. Considering the above facts and circumstances of the case and also the facts that there existed previous enmity between the parties and that the injured was discharged from the hospital, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 08.02.2023 made in CrI.M.P.No.180 of 2023 on the file of the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Theni.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 08.02.2023 made in CrI.M.P.No.180 of 2023 on the file of the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Theni, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Trial of Cases under SC/ST (POA) Act Theni District, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Judge for Trial of



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Cases under SC/ST (POA) Act Theni District, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall report before the respondent Police daily at 10.30 am, until further orders.

(c) the appellant shall not tamper with evidence or witness either during investigation or trial.

(d) the appellant shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

09.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Special Judge for Trial of Cases
under SC/ST (POA) Act Theni District.
- 2.The Deputy Superintendent of Police,
Periyakularm Sub Division,
Theni District.
- 3.The Inspector of Police,
Thenkarai Police Station,
Theni District.
- 4.The Superintendent, Sub Jail,
Theni.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
CRL.A(MD).No. 153 of 2023

09.03.2023