



Crl. A.(MD)No.161 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 09.03.2023

Delivered on : 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.161 of 2023

Manikandan @ Dinesh Kumar

... Appellant/
Petitioner

Vs.

1.The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Oddanchatram Police Station,
Dindigul District.
(Crime No.156 of 2022)

... 1st Respondent/
Complainant

2.Sakthivel

... 2nd Respondent/
Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul in Crl.M.P.No.281 of 2023 dated 21.02.2023 and enlarge the appellant on bail in Crime No.156 of 2022 on the file of the first respondent police.



Crl. A.(MD)No.161 of 2023

For Appellant : Mr.M.Jegadeesh Pandian
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R2 : Mr.S.Poornachandran
Legal Aid Counsel

WEB COPY

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul in Crl.M.P.No.281 of 2023 dated 21.02.2023 and enlarge the appellant on bail in Crime No.156 of 2022.

2. The case of the prosecution is that on 31.03.2022 at about 10.25 p.m., when the defacto complainant was proceeding in his two wheeler bearing Registration No.TN-57-D-4119 near Reliance Petrol Bunk, the accused 1 to 4 came in the vehicles, blocked the defacto complainant's way and abused him by using his caste name, that the accused 2 to 4 asked the first accused to dash the vehicle and the first accused dashed against the vehicle and as a result of which, the defacto complainant got blood injury on his left leg and that when the villagers had intervened, the accused 1 to 4, after criminally intimidating the defacto complainant, had escaped from the spot and on the basis of the complaint given by the defacto complainant, FIR came



Crl. A.(MD)No.161 of 2023

to be registered in Crime No.156 of 2022 for the offences under Sections 294(b), 341, 323 and 506(2) IPC and Sections 3(l)(r), 3(l)(s), 3(l)(m) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. It is evident from the records that the accused including the appellant have filed a criminal original petition under Section 482 Cr.P.C. in Crl.O.P.(MD)No.6404 of 2022 seeking direction to the Principal District Court, Thanjavur, to consider the petitioners' bail application and dispose of the same on the same day and that this Court, vide order dated 06.04.2022, has directed the petitioners to surrender before the jurisdictional Court within a period of fifteen days from the date of receipt of a copy of that order and directed the Principal District Court to consider their application preferably on the same day of their surrender and pass appropriate orders in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST (POA) Act. In pursuance of the same, the accused have surrendered before the jurisdictional Court and obtained bail.

4. It is further evident from the records that the first respondent herein has filed a petition under Section 439(2) Cr.P.C. in Crl.M.P.No.484 of



Crl. A.(MD)No.161 of 2023

2022 in Crl.M.P.No.393 of 2022 seeking cancellation of bail on the ground that the accused including the appellant have not complied with the order passed by the Special Court and that the learned Sessions Judge, after enquiry, has passed an order dated 16.09.2022 cancelling the bail.

5. It is further evident that the accused including the appellant have challenged the order cancelling the bail before this Court in Crl.A.(MD)No. 612 of 2022 and the learned Judge of this Court, vide order dated 02.12.2022, dismissed the same. Subsequently, the appellant was arrested on 17.02.2023 and was remanded to judicial custody.

6. It is further evident that the appellant has filed an application for bail in Crl.M.P.No.281 of 2023 before the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul and the learned Sessions Judge, vide order dated 21.02.2023, has dismissed the bail petition. Aggrieved by the dismissal of the bail petition, the first accused has now come forward with the present appeal.

7. The learned Additional Public Prosecutor appearing for the first respondent would submit that the other accused are still absconding, that



Crl. A.(MD)No.161 of 2023

investigation is pending and that the appellant is having three other previous

cases.

8. The learned counsel appearing for the appellant would submit that the appellant had been complying with the conditions imposed by the Special Court from 14.04.2022 to 25.04.2022, that the defacto complainant had again lodged a false complaint before the concerned police on 22.04.2022 alleging that he had been threatened by them and on that basis, the Sub Inspector of Police, Oddanchatram Police Station, Dindigul District issued a CSR.No.255 of 2022, that again another case was registered in Crime No.203 of 2022 against four persons including the appellant herein for the offences under Sections 143, 286 and 506(2) IPC, that subsequently, at the instance of the police, the Revenue Tahsildar had initiated proceedings in M.C.No.25/2022/C3, that the appellant has filed an anticipatory bail application and obtained anticipatory bail with respect to the case in Crime No.203 of 2022, that the appellant has filed a petition in Crl.O.P.(MD)No.8165 of 2022 to quash the proceedings initiated under Section 111 Cr.P.C. and got an interim order of stay and that therefore, the appellant was not in a position to comply with the conditions subsequent to 25.04.2022.



Crl. A.(MD)No.161 of 2023

9. It is pertinent to note that the appellant was earlier granted bail for the present case by the Sessions Court and that at the instance of the police, the bail was cancelled.

10. As rightly contended by the learned counsel appearing for the appellant, the petitioner is in judicial custody from 17.02.2023.

11. Considering the above facts and circumstances and also the fact that the appellant is in judicial custody from 17.02.2023, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 21.02.2023 made in Crl.M.P.No.281 of 2023 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

12. Accordingly, the Criminal Appeal is allowed and the order dated 21.02.2023 made in Crl.M.P.No.281 of 2023 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, 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 Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, and on further conditions that:



Crl. A.(MD)No.161 of 2023

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall appear before the respondent police 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 co-operate with the investigation.

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/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.

20.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm



WEB COPY



Crl. A.(MD)No.161 of 2023

K.MURALI SHANKAR, J.

csm

To

- 1.The Superintendent,
District Prison,
Dindigul.
- 2.The Sessions Judge, Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, Dindigul.
- 3.The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Oddanchatram Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
Crl. A.(MD)No.161 of 2023

Dated : 20.03.2023