



Crl. A.(MD)No.187 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 23.03.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

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1.Udayakumar

2.Murugan

... Appellants

Vs.

1.State represented by its
The Assistant Superintendent of Police,
Aruppukottai Sub Division,
Aruppukottai,
Virudhunagar District

2.State represented by
The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.

... Respondents 1 and 2

3.S.Thangam

... 3rd Respondent

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST Act, to set aside the order dated 03.03.2023 made in Cr.M.P.No.525 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District @ Srivilliputhur and enlarge the appellants on bail.



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For Appellants : Mr.B.Muneeswaran
For R1 & : Mr.A.Albert James
Government Advocate (Crl. Side)
For R3 : Mr.A.Saravanan
Legal Aid Counsel

JUDGMENT

This Criminal Appeal is directed against the order passed in Crl.M.P.No.525 of 2023 dated 03.03.2023 by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District @ Srivilliputhur.

2. The case of the prosecution is that due to some dispute between the first appellant and the third respondent/defacto complainant, the accused persons assaulted the third respondent by using wooden log and caused injuries and also criminally intimidated him. Hence, the second respondent registered a case against the appellants and one unnamed persons in Crime No. 60 of 2023 for the offences under Sections 294(b), 324 and 506(2) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.



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3. The learned counsel appearing for the appellants would submit that the appellants have been falsely implicated in this case and that the appellants are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that that the appellants 1 and 2 are in custody from 21.02.2023 and 20.02.2023 respectively.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the appellants are not having any previous cases.

5. The learned counsel appearing for the third respondent has raised objections to grant bail to the appellants.

6. Considering the above facts and circumstances and also the facts that the appellants 1 and 2 are in custody from 21.02.2023 and 20.02.2023 respectively and that the appellants are not having any previous cases for similar offence or serious offence, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 03.03.2023 made in Crl.M.P.No.525 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District @ Srivilliputhur.



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7. Accordingly, the Criminal Appeal is allowed and the order dated 03.03.2023 made in Crl.M.P.No.525 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District @ Srivilliputhur, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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, Virudhunagar District @ Srivilliputhur, and on further conditions that:

[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 appellants shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c]the appellants shall not tamper with evidence or witness either during investigation or trial.

[d]the appellants shall co-operate with the investigation.



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

23.03.2023

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

To

- 1.The Superintendent,
Sub Jail,
Virudhunagar.
- 2.The Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases,
Virudhunagar District @ Srivilliputhur.
- 3.The Assistant Superintendent of Police,
Aruppukottai Sub Division,
Aruppukottai,
Virudhunagar District
- 4.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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