

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.253 of 2023

Sathiya Raj

... Appellant/1st Accused

Vs.

1.The State represented by its
The Deputy Superintendent of Police,
Muthukulathur,
Ramanathapuram District.

... 1st Respondent/Investigation
Officer

2.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
(Crime No.49 of 2023)

... 2nd Respondent/Complainant

3.Gunasekaran

... 3rd Respondent/Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (PoA) Act 1989 as amended by Act 1/2016, to call for the entire records in relating to the impugned order dated 20.03.2023 made in Cr.M.P.No.342 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989 Ramanathapuram and to set aside the same and consequently to release the appellant on bail in connection with the FIR in Crime No.49 of 2023 on the file of the second respondent police.

For Appellant : Mr.S.Jeyakarthik
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)
For R3 : Mr.C.Gangai Amaran

JUDGMENT

This Criminal Appeal is directed against the order passed in Cr.M.P.No.342 of 2023 dated 20.03.2023 by the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Ramanathapuram (FAC).

2. The case of the prosecution is that on 09.03.2023, the appellant along with the other accused had attacked the third respondent/defacto complainant with deadly weapons and abused him by using his caste name and also threatened him with dire consequences. Hence, the third respondent registered a case against three named persons including the appellant and 7 unnamed persons in Crime No.49 of 2023 for the offences under Sections 147, 294(b), 323 and 506(1) IPC r/w Sections 3(l)(r) and 3(l)(s) of SC/ST (Amendment 2015) Act.

3. The learned counsel appearing 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 it is not the case of the communal rivalry, but only between youngsters.

4. The learned counsel appearing for the third respondent has filed a counter affidavit, wherein, it has been stated that investigation is not yet completed and the same is in initial stage and hence, the custodial interrogation of the appellant is very much required.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that there are totally 6 accused, out of, the accused 2, 5 and 6 are the juveniles and the accused 3 and 4, in pursuance of the direction of this Court in Crl.O.P.(MD)Nos.5215 and 5222 of 2023 dated 20.03.2023, have surrendered before the concerned Court and were released on bail. He would further submit that the appellant is not having any previous cases for the similar offence or for any other serious offence and that no one was injured seriously in the incident.

6. Considering the above facts and circumstances and also the facts that the appellant is in judicial custody from 09.03.2023 and that the appellant is 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 20.03.2023 made in Cr.M.P.No.342 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Ramanathapuram (FAC).

7. Accordingly, the Criminal Appeal is allowed and the order dated 20.03.2023 made in Cr.M.P.No.342 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Ramanathapuram (FAC), 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 Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Ramanathapuram, 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 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.

06.04.2023

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

K.MURALI SHANKAR, J.

csm

To

- 1.The Superintendent,
District Jail,
Muthukulathur.
- 2.The Sessions Judge,
Special Court for Trial of Cases Registered under SC/ST (POA) Act,
Ramanathapuram (FAC).
- 3.The Deputy Superintendent of Police,
Muthukulathur,
Ramanathapuram District.
- 4.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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