



CRL.A(MD).No. 295 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 17.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.295 of 2023

Dhineshkumar

:Appellant

Vs.

State rep by its :

1.The Deputy Superintendent of Police,
Keeranur,
Pudukottai District.

2.The Inspector of Police,
Keeranur Police Station,
Pudukottai District.
Crime No.85 of 2023.

3.Adaikalam

: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 relating to the order in Cr.M.P.No. 641 of 2023 before the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukottai and the same was dismissed on 05.04.2023 and set aside the same.

For Appellant : Mr.C.Susikumar,

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



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For R3

: Mr.A.Mohan

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Cr.M.P.No.641 of 2023, dated 05.04.2023, on the file of the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukottai, and enlarge the appellant on bail in connection with Crime No.85 of 2023, on the file of the second respondent Police.

2. The case of the prosecution is that there was a wordy quarrel 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.85 of 2023 was registered by the second respondent Police against the appellant and other accused persons, under Sections 341, 294(b), 323, 506(ii), 379 IPC and Sections 3(1) (r), 3(1)(s) and 3(2) (va) of SC/ST(POA)Act. He has filed a petition for bail in Cr.M.P.No.641 of 2023 and the same was dismissed by the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Pudukkottai, on 05.04.2023. Challenging the same, the appellant has preferred this Criminal appeal.



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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 22.03.2023.

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 at the time of occurrence the accused persons, who were in drunken mood, due to wordy quarrel, the appellant along with other accused attacked the defacto complainant and caused injuries. He would further submit that the injured was discharged from the hospital and that the appellant is not having any previous case. He would further submit that the appellant is in judicial custody from 22.03.2023.

6. Considering the facts and circumstances of the case and also the facts that the injured was discharged from the hospital and that the appellant is not having any previous case, this Court is inclined to allow



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the Criminal Appeal by setting aside the order, dated 05.04.2023 made in Cr.M.P.No.641 of 2023 on the file of the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukottai.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 05.04.2023 made in Cr.M.P.No.641 of 2023 on the file of the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukottai, is set aside. The appellant is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.85 of 2023 before the learned Special Sessions Judge (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukottai, and on such deposit, 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 (FAC), Special Court for Trial of Cases under SC/ST (POA) Act Cases, Pudukottai 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 Cases under SC/ST (POA) Act, Pudukottai, may obtain a copy of their valid identity card to ensure their identity.



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(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.

17.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

das

To

- 1.The Special Sessions Judge (FAC),
Special Court for Trial of SC/ST(POA) Act Cases,
Pudukottai.
- 2.The Deputy Superintendent of Police,
Keeranur, Pudukottai District.
- 3.The Inspector of Police,
Keeranur Police Station,
Pudukottai District.
- 4.The Superintendent, District Jail,
Pudukottai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL.A(MD).No. 295 of 2023

17.04.2023