



CRL.A(MD).No. 311 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.311 of 2023

Prabhu

:Appellant

Vs.

1.State rep. by,
The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.100 of 2023.

3.Velusamy

: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 passed in CrI.M.P.No.505 of 2023 in Crime No.100 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dated 12.04.2023 and set aside the same as illegal and enlarge the appellant on bail.

For Appellant : Mr.M.Prabu,



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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.505 of 2023, dated 12.04.2023, on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, and enlarge the appellant on bail in connection with Crime No.100 of 2023, on the file of the second respondent Police.

2. The case of the prosecution is that due to previous enmity between the appellant and the defacto complainant, the appellant along with other accused waylaid the defacto complainant and abused him in filthy language by using caste name and also attacked him with hands. On the basis of the complaint lodged by the complainant, case in Crime No.100 of 2023 was registered by the second respondent Police against the appellant and other accused persons, under Sections 294(b), 323, 324, 506(ii) and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST(POA)Act. The appellant has filed a petition for bail in Cr.M.P.No.505 of 2023 and the same was dismissed by the learned Sessions Judge, Theni (Full Additional



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Charge), on 12.04.2023. 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 03.04.2023.

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 due to previous motive, 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.

6. Considering the facts and circumstances of the case and also the facts that the injured was discharged from the hospital; that appellant is not having any previous cases for similar offence or serious offence as stated



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by the learned Government Advocate (Criminal Side) and also the fact that the appellant is in judicial custody from 03.04.2023, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 12.04.2023 made in Cr.M.P.No.505 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 12.04.2023 made in Cr.M.P.No.505 of 2023 on the file of the Special Court 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 Special Court for Trial of Cases under SC/ST (POA) Act, Theni, 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 stay at Trichy and sign before the Cantonment Police Station, Trichy daily at 10.30 am for 15 days and thereafter, the appellant shall appear before the respondent Police daily at 10.30 am, until further orders.



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(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.

27.04.2023

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

das

To

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

Order made in
CRL.A(MD).No. 311 of 2023

27.04.2023