



CRL.A(MD).No. 330 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.330 of 2023

A.Selvam

:Appellant

Vs.

1.The State represented by,
The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.

2.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
Crime No.15 of 2023.

3.Irulappan

: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 entire records pertaining to the order passed by the learned III Additional District and Sessions Judge (PCR Cases) Madurai, in Cr.M.P.No.957 of 2023 and the same was dismissed on 12.04.2023 and set aside the same and consequently, enlarge the appellant on bail in connection with the case in Crime No.15 of 2023 on the file of the second respondent Police.



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For Appellant : Mr.S.Balaji,
For R1 and R2 : Mr.R.Sivakumar,
Government Advocate (Criminal Side)
For R3 : Mr.R.Anand

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Cr.M.P.No.957 of 2023, dated 12.04.2023, on the file of the learned III Additional District and Sessions Judge (PCR Cases) Madurai, and enlarge the appellant on bail in connection with Crime No.15 of 2023, on the file of the second respondent Police.

2. The case of the prosecution is that the defacto complainant, who is poosari in Cellayeeamman Temple, during the temple festival, there was a wordy quarrel between the appellant and the defacto complainant, due to which, the appellant and other accused way laid the defacto complainant and his wife and abused them in filthy language and also threatened them that they should not perform any poojas. A case in Crime No.15 of 2023 was registered by the second respondent Police against the appellant and other accused persons, under Sections 341, 294(b), 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, and Section



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3(1)(r), 3(1)(s) of SC/ST(POA)Act. The appellant has filed a petition for bail in Cr.M.P.No.957 of 2023 and the same was dismissed by the learned III Additional District and Sessions Judge (PCR), Madurai, 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 05.04.2023.

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 the appellant is having two previous cases, one in Crime No.170 of 2021 on the file of the Oomachikulam Police Station for the offences under Sections 294(b), 153, 504, 505(2) IPC r/w 67 of IT Act and another Crime No.1531 of 2019 on the file of the Thallakulam Police Station for the offence under Sections 153A, 294(b), 506(i) IPC r/w 66 A IT Act and the same are pending.



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6. Considering the facts and circumstances of the case and also the fact that no one was injured in this case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 12.04.2023 made in Cr.M.P.No.957 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR cases), Madurai.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 12.04.2023 made in Cr.M.P.No.957 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR cases), Madurai, 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.15 of 2023 before the learned III Additional District and Sessions Judge (PCR cases), Madurai, 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 III Additional District and Sessions Judge (PCR cases), Madurai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the on the file of the learned III



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Additional District and Sessions Judge (PCR cases), Madurai, may obtain a copy of their valid identity card to ensure their identity.

(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.

25.04.2023

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

das

To

- 1.The III Additional District and Sessions Judge
(PCR cases), Madurai.
- 2.The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.
- 3.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.
- 4.The Superintendent, Central Jail,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.A(MD).No. 330 of 2023

25.04.2023