



Crl. A.(MD)No.332 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.332 of 2023

Hari @ Hariharan

... Appellant/Petitioner

Vs.

1.State represented by
The Deputy Superintendent of Police,
Keeranur,
Pudukkottai District.

2.State represented by
The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
(Crime No.85 of 2023)

3.Adaikalam

... Respondents/Respondents

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, to call for the records pertaining to the order passed in Cr.M.P.No.644 of 2023 on the file of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Pudukkottai District, dated 05.04.2023 and set aside the same as illegal and enlarge the appellant on bail in Crime No.85 of 2022 on the file of the respondent.



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For Appellant : Mr.K.Navaneetha Raja
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)
For R3 : Mr.Mohana Sundaram

JUDGMENT

This Criminal Appeal is directed against the order passed in Cr.M.P.No.644 of 2023 dated 05.04.2023 by the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST (POA) Act Cases, Pudukkottai.

2. The case of the prosecution is that on 17.03.2023 at about 09.00 p.m., the appellant and the other accused had attacked the third respondent/defacto complainant, scolded him by using his caste name and threatened him with dire consequences and also snatched his cell phone and cash of Rs.5,100/- from him. Hence, the second respondent registered a case against four persons including the appellant herein in Crime No.85 of 2023 for the offences under Sections 341, 294(b), 323, 506(2) and 379 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 petitioner has filed a petition for bail in Cr.M.P.No.644 of 2023 and the same was dismissed by the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST (POA) Act Cases, Pudukkottai, on 05.04.2023. Challenging the dismissal order, the appellant has preferred this criminal appeal.

4. 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 the second accused was already granted bail by this Court in Crl.A.(MD)No.295 of 2023 and that the appellant is in judicial custody from 22.03.2023.

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

6. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that at the time of occurrence, the accused persons, who were in drunken mood, due to wordy quarrel, had attacked the third respondent and caused injuries. He would further submit that the injured was already discharged from the hospital and that the appellant is not having any previous cases.



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7. Considering the above facts and circumstances and also the facts that the appellant is not having any previous cases and that the injured was already discharged from the hospital, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 05.04.2023 made in Cr.M.P.No.644 of 2023 on the file of the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST (POA) Act Cases, Pudukkottai.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 05.04.2023 made in Cr.M.P.No.644 of 2023 on the file of the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST (POA) Act Cases, Pudukkottai, is set aside. The appellant is directed to deposit a sum of **Rs.5,000/- (Rupees Five 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, Pudukkottai 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 Special Court for trial of SC/ST Act Cases, Pudukkottai District, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions



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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.

25.04.2023

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

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To

- 1.The Superintendent,
District Prison,
Pudukkottai.
- 2.The Special Sessions Judge (FAC),
Special Court for trial of SC/ST (POA) Act Cases,
Pudukkottai.
- 3.The Deputy Superintendent of Police,
Keeranur,
Pudukkottai District.
- 4.The Inspector of Police,
Keeranur Police Station,
Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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