



CRL.A(MD).No. 333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.333 of 2023

Syed Sirajudeen

:Appellant

Vs.

1.The Deputy Superintendent of Police,
Tiruchendur,
Kulasekarapattinam Police Station,
Tuticorin.

2.The State rep.by the Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin. Crime No.45 of 2023.

3.Thangammal

: 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 and set aside the order dated 18.04.2023 made in Cr.M.P.No.310 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Tuticorin and enlarge the appellant on bail.

For Appellant

: Mr.Mr.Ajmal Khan,
M/s.Ajmal Associates.



CRL.A(MD).No. 333 of 2023

For R1 and R2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

For R3 : Mr.T.Lajapathi Roy, Senior Counsel,
for Mr.V.Rajiv Rufus.

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Cr.M.P.No.310 of 2023, dated 18.04.2023, on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi (FAC), and enlarge the appellant on bail.

2. The case of the prosecution is that the defacto complainant's husband was working as sweeper in Udangudi Panchayat for the past 30 years and the then President/A1 has demanded money for his promotion. On 17.03.2023, when the defacto complainant's husband was present in the Panchayat Office on Muster roll, the accused abused him in filthy language and using his caste name, unable to tolerate the humiliation caused, he had committed suicide by consuming poison. After investigation, the respondent Police has registered case in Crime No.45 of 2023 against the appellant and other accused persons, under Sections 294(b), 186, 306, 109, 212 of IPC, and Sections 3(1) (r), 3(1)(s) and 3(2) (v) of SC/ST(POA)Act.



CRL.A(MD).No. 333 of 2023

He has filed a petition for bail in Cr.M.P.No.310 of 2023 and the same was dismissed by the learned Sessions Judge for Trial of Cases under SC/ST (POA) Act, Thoothukudi, on 18.04.2023. 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 and he has been falsely implicated in this case. He would further submit that the appellant is in judicial custody from 04.04.2023.

4. The learned counsel for the defacto complainant/third respondent has raised objections to grant bail to the appellant.

5. The learned Additional Public Prosecutor appearing for the State would submit that the appellant transferred some amount to the fifth accused in order to harbour/conceal first accused. 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 charges levelled against the appellant, this Court is inclined to allow the



CRL.A(MD).No. 333 of 2023

Criminal Appeal by setting aside the order, dated 18.04.2023 made in Cr.M.P.No.310 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Thoothukudi.(FAC).

7. Accordingly, the Criminal Appeal is allowed and the order, dated 18.04.2023 made in Cr.M.P.No.310 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Tuticorin (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 Special Court for Trial of Cases under SC/ST (POA) Act Cases, Tuticorin 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, Tuticorin, 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.



CRL.A(MD).No. 333 of 2023

WEB COPY

(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.

21.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das



WEB COPY



CRL.A(MD).No. 333 of 2023

K.MURALI SHANKAR,J.

das

To

- 1.The Sessions Judge, Special Court for
Trial of Cases under SC/ST (POA) Act,
Tuticorin.
- 2.The Deputy Superintendent of Police,
Tiruchendur,
Kulasekarapattinam Police Station,
Tuticorin.
- 3.The State rep.by the Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin.
- 4.The Superintendent, Central Prison,
Palayamkottai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

Order made in
CRL.A(MD).No. 333 of 2023

21.04.2023