



CRL.A(MD).No. 345 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.345 of 2023

Jebasingh Kanagaraj

:Appellant

Vs.

1.The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.

2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
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.317 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and enlarge the appellant on bail.

For Appellant

: Mr.R.Anand,
for Mr.S.Ashok



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

For R3 : Mr.V.Rajiv Rufus.

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Cr.M.P.No.317 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.



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He has filed a petition for bail in Cr.M.P.No.317 of 2023 and the same was dismissed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, on 18.04.2023. Challenging the same, the appellant has preferred the present 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 co-accused has been released on bail by this Court.

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 has helped the first accused financially. He has also raised objections to grant bail to the appellant.

6. Considering the facts and circumstances of the case and also the charges levelled against the appellant, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 18.04.2023 made in



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Cr.M.P.No.317 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.317 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Thoothukudi (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, Thoothukudi 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, Thoothukudi, 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.



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(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,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Tiruchendur, Thoothukudi.
- 3.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. 345 of 2023

27.04.2023