



Crl. A.(MD)No.395 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.05.2023

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THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl. A.(MD)No.395 of 2023

Agastin @ Augustin

... Appellant

Vs.

- 1.State Represented by
The Deputy Superintendent of Police,
Thiruchendur Sub Division,
Thoothukudi District.
- 2.The Inspector of Police,
Authoor Police Station,
Thoothukudi District.

3.Chithirai Kani

... Respondents

Prayer : This Criminal Appeal is filed under Section 14(A)(ii) of SC/ST (POA) Act 2015 as amended by Act 1 of 2016, to call for the records pertaining to the order passed in Crl.M.P.No.402 of 2023 in Crime No.62 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA), Act, Thoothukudi dated 10.05.2023 and set a side the same as illegal and enlarge the appellant on bail by allowing the criminal appeal.



Crl. A.(MD)No.395 of 2023

For Appellant : Mr.S.Vishnuvardhan

WEB COPY For Respondents : Mr.Sanjai Gandhi
Government Advocate(Crl. Side)

JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to the order passed in Crl.M.P.No.402 of 2023 in Crime No.62 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA), Act, Thoothukudi dated 10.05.2023 and set a side the same as illegal and enlarge the appellant on bail by allowing the criminal appeal.

2. The case of the prosecution is that the appellant along with the other accused assembled unlawfully and wrongfully restrained the defacto complainant's son and abused him in filthy language and also attacked him. Hence, the complaint.

3. The learned counsel for the appellant would submit that the appellant has been falsely implicated in this case and that the appellant is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that that the appellant is in custody from 17.04.2023 onwards and also submitted that regular bail was granted to the co-accused by the trial Court.



Crl. A.(MD)No.395 of 2023

4. The appellant moved bail application before the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi in Crl.M.P.No.402 of 2023 and the same was dismissed on 10.05.2023, on the ground that the appellant has committed the offence against women.

5.Learned Government Advocate(Crl. Side) appearing for the respondents 1 and 2 submitted that bail was granted to the co-accused by the trial Court and no previous case is pending against the appellant. He further submitted that the injured person have already been discharged from the hospital.

6. Considering the above facts and circumstances of the case, grant of bail to the co-accused by the trial Court and also the fact that the appellant is in judicial custody from 17.04.2023, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 10.05.2023 made in Crl.M.P.No.402 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

7. Accordingly, the Criminal Appeal is allowed and the order dated 10.05.2023 made in Crl.M.P.No.402 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA), Act, Thoothukudi, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-



Crl. A.(MD)No.395 of 2023

(Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the the Special Court for Trial of Cases under SC/ST (POA), Act, Thoothukudi, 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 appear before the respondent police daily at 10:30 a.m., for a period of one month and thereafter as and when required for interrogation.

[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]**.



Crl. A.(MD)No.395 of 2023

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

25.05.2023

Index : Yes/No

Internet : Yes/No

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To

- 1.The Superintendent,
District Jail,
Perurani,
Thoothukudi.
- 2.The Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi.
- 3.The Deputy Superintendent of Police,
Thiruchendur Sub Division,
Thoothukudi District.
- 4.The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl. A.(MD)No.395 of 2023

P.VADAMALAI, J

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Crl. A.(MD)No.395 of 2023

25.05.2023