



Crl. A.(MD)No.406 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 02.06.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.406 of 2023

Thirumal @ Anavatti

... Appellant/Petitioner/
Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.

2.The State represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.50 of 2023)

... Respondents 1 & 2/
Complainants

3.Raja Dharmalingam

... 3rd Respondent/Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to set aside the order dated 16.05.2023 made in Cr.M.P.No.1433 of 2023 on the file of the 3rd Additional District and Sessions Judge (PCR), Madurai and enlarge the appellant on bail.



Crl. A.(MD)No.406 of 2023

For Appellant : Mr.M.Karunanithi
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)

WEB COPY

JUDGMENT

This Criminal Appeal is directed against the order passed in Crl.M.P.No.1433 of 2023 dated 16.05.2023 by the learned III Additional District and Sessions Judge (PCR), Madurai.

2. The case of the prosecution is that on 19.03.2023, a two wheeler, which was driven by the appellant, dashed against the third respondent's two wheeler, due to that, the appellant said to have abused the third respondent by using his caste name and assaulted him. Hence, the second respondent registered a case against the appellant in Crime No.50 of 2023 for the offences under Sections 294(b), 323, 324 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

3. The petitioner has filed a petition for bail in Crl.M.P.No.1433 of 2023 and the same was dismissed by the learned III Additional District and Sessions Judge (PCR), Madurai, on 16.05.2023. Challenging the dismissal order, the appellant has preferred this criminal appeal.



Crl. A.(MD)No.406 of 2023

4. When the matter is taken up for hearing today, the third respondent is present before this Court and has raised objections to grant bail to the appellant.

5. 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 appellant is in judicial custody from 11.05.2023.

6. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the appellant is having six previous cases.

7. Considering the above facts and circumstances and also the fact that the appellant is in judicial custody from 11.05.2023 and that no one was injured seriously, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 16.05.2023 made in Crl.M.P.No.1433 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.



Crl. A.(MD)No.406 of 2023

8. Accordingly, the Criminal Appeal is allowed and the order, dated 16.05.2023 made in Crl.M.P.No.1433 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, 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 3rd Additional District and Sessions Judge (PCR), Madurai, 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 Inspector of Police, Tallakulam Police Station, Madurai District, daily at 10.30 a.m. for a period of 30 days and thereafter, appear 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.



Crl. A.(MD)No.406 of 2023

[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 is 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.

02.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

To

- 1.The Superintendent,
Central Prison,
Madurai.
- 2.The III Additional District and Sessions Judge (PCR),
Madurai.
- 3.The Deputy Superintendent of Police,
Thirumangalam Sub Division,
Madurai District.
- 4.The Inspector of Police,
Kallikudi Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. A.(MD)No.406 of 2023

K.MURALI SHANKAR, J.

csm

Crl.A.(MD)No.406 of 2023

02.06.2023