



WEB COPY

Crl. A.(MD)No.412 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.06.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.412 of 2023

1.Sivapandian

2.Suresh

: Appellants/ A1 & A2

Vs.

1.State rep.by

The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Rayappanpatti Police Station,
Theni District.
Crime No.144 of 2023.

2.Eswaran

... Respondents

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 passed by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Theni in Crl.M.P.No.638 of 2023, dated 18.05.2023 and grant bail to the appellants/A1 & A2, in Crime No.144 of 2023 on the file of the respondent Police.

For Appellant : Mr.M.A.M.Raja,

For 1st Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side)

For 2nd Respondent : Mr.K.Appadurai



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JUDGMENT

This Criminal Appeal is directed against the order passed in Crl.M.P.No.638 of 2023, dated 18.05.2023 on the file of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

2. The case of the prosecution is that there existed civil dispute between the parties, due to which, the appellants along with other accused persons abused the defacto complainant and his community people and also tried to attack them. On the basis of the complaint, FIR came to be registered in Crime No.144 of 2023 for the offences under Sections 294(b), 323 IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(v) of Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The learned counsel appearing for the appellants would submit that the appellants are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that they are in judicial custody from 09.05.2023.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the appellants are not having any previous cases.



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

6. Considering the above facts and circumstances and also considering nature of the dispute between the parties and taking note of the fact that the appellants are in custody from 09.05.2023, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 18.05.2023 made in Crl.M.P.No.638 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 18.05.2023 made in Crl.M.P.No.638 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties, each for a like sum to the satisfaction of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, 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.



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[b] the appellants shall stay at Trichy and report before the Contonment Police Station daily at 10.30 am for a period of 15 days and thereafter, shall appear before the respondent Police daily at 10.30 a.m., until further orders.

[c] the appellants shall not tamper with evidence or witness either during investigation or trial.

[d] the appellants 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 appellants 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.

02.06.2023

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

das

To

- 1.The Special Court for Trial of Cases under SC/ST (POA) Act,
Theni.
- 2.The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Rayappanpatti Police Station,
Theni District.
- 3.The Superintendent,
Sub Jail, Nilakottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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