



Crl. A.(MD)No.457 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 26.06.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.457 of 2023

1. Dhanabal

2. Somasundaram

3. Kumar

... Appellants/
Accused Nos.1 to 3

Vs.

1.The Deputy Superintendent of Police,
Pudukkottai Town Division,
Pudukkottai District.

2.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.
(Crime No.146 of 2023)

... 1st and 2nd Respondents/
Complainants

3.Karthik Raja

... 3rd Respondent/Defacto
Complainant

4.Muruganandam

... 4th Respondent/Victim

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Amended Act, 2015, to set aside the order passed by the Special



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Court for Trial of SC/ST Act Cases, Pudukkottai made in Crl.M.P.No. 1013 of 2023 dated 13.06.2023 and allow this appeal by enlarging the appellants on bail in FIR No.146 of 2023 on the file of the second respondent police.

For Appellants : Mr.A.Balaji
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl. Side)
For R3 : Mr.VRG.Mohan
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai, in Cr.M.P.No.1013 of 2023 dated 13.06.2023 and enlarge the appellants on bail.

2. The case of the prosecution is that there existed money dispute between the third respondent and the first appellant's family and that on 29.05.2023 at about 04.30 p.m., the third respondent and his family members went to the relative condolence, at that time, the appellants and the other accused had attacked the respondents 3 and 4 with deadly



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weapons, abused them in filthy language and also threatened them with dire consequences. Hence, the second respondent registered a case in Crime No.146 of 2023 for the offences under Sections 147, 294(b), 323, 324, 307 and 506(2) IPC altered into Sections 147, 294(b), 323, 324, 307 and 506(2) IPC r/w Sections 3(1)(r)(s) and 3(2)(Va) of SC/ST (POA) Act.

3. The learned counsel appearing for the appellants would submit that the appellants have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that the appellants are in judicial custody from 30.05.2023 and 04.06.2023.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that during the funeral procession of the third respondent's cousin's grandmother, the present incident came to be occurred and that two injured were already discharged from the hospital. He would further submit that the appellants 1 and 2 are not having any previous cases and that the third appellant is having two previous cases for the offence under Section 506(2) IPC.



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5. The learned counsel appearing for the third respondent has raised objections to grant bail to the appellants.

6. Considering the above facts and circumstances and also the facts that the injured were already discharged from the hospital, that the appellants 1 and 2 are not having any previous cases, that the third appellant is not having any previous cases for serious offence and that the appellants are in judicial custody from 30.05.2023 and 04.06.2023, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 13.06.2023 made in Cr.M.P.No.1013 of 2023 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai.

7. Accordingly, the Criminal Appeal is allowed and the order dated 13.06.2023 made in Cr.M.P.No.1013 of 2023 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai, 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 SC/ST Act Cases, Pudukkottai, and on further conditions that:



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[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 appellants 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 appellants are 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.

26.06.2023

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

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To

- 1.The Superintendent,
Sub Jail,
Pudukkottai.
- 2.The Special Sessions Judge,
Special Court for Trial of SC/ST Act Cases,
Pudukkottai.
- 3.The Deputy Superintendent of Police,
Pudukkottai Town Division,
Pudukkottai District.
- 4.The Inspector of Police,
Thirukokarnam Police Station,
Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Dated : 26.06.2023