



CRL.A(MD).No. 579 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.579 of 2023

- 1.Manoj Kumar
- 2.Muthuselvam
- 3.Maruthupandian

:Appellants/Petitioners 1 to 3/

Accused No.1,2 & 4

Vs.

- 1.State Represented by
The Deputy Superintendent of Police,
Thiruppathur Division,
Thiruppathur,
Sivagangai District.

- 2.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.62 of 2023)

:Respondents1 & 2/ Respondents1 & 2/
Complainants

- 3.Iyyappan

:3rd Respondent/3rd Respondent/
Defacto Complainant

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 relating to the impugned order



CRL.A(MD).No. 579 of 2023

dated 14.07.2023 made in Crl.MP.No.1305 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and set aside the same by allowing the Criminal Appeal and consequently, enlarge the appellants on bail in connection with Crime No.62 of 2023 on the file of the second respondent police.

For Appellants	: Mr.T.Veerakumar
For R1 and R2	: Mr.M.Muthumanikkam Government Advocate (Criminal Side)
For R3	: Mr.S.Malaikani

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order passed in Crl.MP.No.1305 of 2023 dated 14.07.2023, on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and enlarge the appellants on bail in connection with Crime No.62 of 2023, on the file of the second respondent Police.

2.1. According to the prosecution, the appellants and three other accused said to have committed the offences under Sections 147, 148, 341 & 324 of IPC and Sections 3(1) (r) and 3(1)(s) of Schedules Castes and Scheduled Tribes (Prevention Of Atrocities) Act, 1989.



CRL.A(MD).No. 579 of 2023

2.2. According to the prosecution, on 06.07.2023, during the village festival in A.Kalapur, Singampunari Taluk, Sivagangai District, there was a scuffle between the defacto complainant party as well as the accused party. In the said occurrence, the defacto complainant sustained injuries. Hence, the second respondent Police registered a case in Crime No.62 of 2023 against the appellants and other accused persons, for the offences under Sections 147, 148, 341 & 324 of IPC and Sections 3(1) (r) and 3(1)(s) of Schedules Castes and Scheduled Tribes (Prevention Of Atrocities) Act, 1989. Hence, they have filed a petition for bail in Cr.M.P.No.1305 of 2023 and the same was dismissed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, on 14.07.2023. Challenging the same, the appellants have preferred this Criminal appeal.

3. The learned counsel for the appellants would submit that the appellants are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital and no case is pending against the appellants and the appellants are in judicial custody from 06.07.2023. Hence, he seeks to grant bail to the appellants.



CRL.A(MD).No. 579 of 2023

WEB COPY

4. The learned counsel for the defacto complainant/third respondent has raised objections to grant bail to the appellants.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that there are totally 6 accused. The appellants were arrayed as A1, A2 & A4. Except them, remaining accused were not yet arrested. He would further submit that the injured was discharged from the hospital, no previous case is pending against the appellants and the appellants are in judicial custody from 06.07.2023.

6. Considering the period of incarceration and also the facts that there was scuffle between the defacto complainant party and the accused party during the temple festival and the injured was discharged from the hospital and no bad antecedent is reported against the appellants, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 14.07.2023 made in Cr.M.P.No.1305 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.



CRL.A(MD).No. 579 of 2023

7. Accordingly, the Criminal Appeal is allowed and the order, dated 14.07.2023 made in Cr.M.P.No.1305 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, is set aside. The appellants are ordered to be released on bail on his 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 learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellants shall report before the respondent Police daily at 10.30 am, 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 Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed



CRL.A(MD).No. 579 of 2023

and the appellants 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.

27.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note : Issue order copy on 27.07.2023



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CRL.A(MD).No. 579 of 2023

To

- 1.The learned Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989, Sivagangai.
2. The Deputy Superintendent of Police,
Thiruppathur Division,
Thiruppathur,
Sivagangai District.
- 3.The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.



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CRL.A(MD).No. 579 of 2023

K.K.RAMAKRISHNAN,J.

dss

Order made in
CRL.A(MD).No.579 of 2023

27.07.2023