



CRL.A(MD).No. 650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.650 of 2023

Thangapandi

: Appellant/Accused No.19

Vs.

1.The Deputy Superintendent of Police,
Oomachikulam Sub-Division,
Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.
In Crime No.195 of 2023.

3.Dhandapani

: Respondent/Respondent/
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 order in CrI.M.P.No. 2200 of 2023 dated 25.07.2023 on the file of the III Additional District and Sessions Court (PCR Cases), Madurai, and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.



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For Appellant : Mr.S.Poornachandran
For R21 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Criminal Side)
For R3 : Mr.K.Paulmurugan

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order passed in Crl.M.P.No.2200 of 2023 dated 25.07.2023, on the file of the III Additional District and Sessions Court (PCR Cases), Madurai, and enlarge the appellant on bail in connection with Crime No.195 of 2023, on the file of the second respondent Police.

2.1. According to the prosecution, the appellant and the other accused said to have committed the offences under Sections 147, 148, 294(b), 452, 323, 324 and 506(2) of IPC, Section 3 of the Public Property (Prevention of Damage & Loss) Act, 1992, and Sections 3(1)(r) and 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

2.2. According to the prosecution, on 02.06.2023, temple festival was conducted in Sri Kalamega Perumal Kovil at Thirumohur, Madurai



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District. In the said festival, when the cultural programme namely, 'Aadal Padal' event was conducting, there was a clash between two community people and a number of vehicles belongs to one of the community were destroyed. Because of that, there was fight between two community people. In the said occurrence, number of persons have sustained injuries. So, they were admitted in the Rajaji Government Hospital, Madurai. Hence, the first respondent Police registered a case in Crime No.195 of 2023 against the appellant and the other accused persons, for the offences under Sections 147, 148, 294(b), 452, 323, 324 and 506(2) of IPC, Section 3 of the Public Property (Prevention of Damage & Loss) Act, 1992, and Sections 3(1) (r) and 3(1)(s) & 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015. Hence, he has filed a petition for bail in Cr.M.P.No.2200 of 2023 and the same was dismissed by the III Additional District & Sessions Court (PCR Cases), Madurai, on 25.07.2023. Challenging the same, the appellant has preferred this Criminal appeal.

3. The learned counsel for the appellant would submit that the co-accused were released on bail by the Court below. Against which, no further appeals were filed by the complainant. As on date, peace is prevailing in the locality and the injured also discharged from the hospital. Under the said circumstance, he seeks to grant bail to the appellant.



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4. The learned Government Advocate (Criminal Side) appearing for the State would submit that there are totally 24 accused. The appellant was arrayed as A21. He would further submit that there is some dispute arose between two groups of people and there is rival fight between two communities. However, he fairly conceded that some of the co-accused were granted bail by the Court below and the appellant is in judicial custody from 13.07.2023 and he has no bad antecedent.

5. The learned counsel for the defacto complainant/third respondent would further submit that bail granted to the co-accused by the Court below is not a ground to grant bail to the appellant. He would further submit that even though normalcy is restored, still there is apprehension of clash between two communities. Further, grant of bail to the appellant would result in tampering of witnesses and hence, he seeks for dismissal of this appeal.

6. Considering the period of incarceration and also the facts that as on date prevailing peace in the locality, the co-accused were granted bail by the Court below, there is no bad antecedent against the appellant and the injured also discharged from the hospital, this Court is inclined to allow



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the Criminal Appeal by setting aside the order, dated 25.07.2023 made in Cr.M.P.No.2200 of 2023 on the file of the III Additional District & Sessions Court (PCR Cases), Madurai.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 25.07.2023, made in Cr.M.P.No.2200 of 2023 on the file of the III Additional District & Sessions Court (PCR Cases), 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 III Additional District & Sessions Court (PCR Cases), Madurai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the III Additional District & Sessions Court (PCR Cases), Madurai, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant appear before the respondent police daily at 10.30 am, until further orders.

(c) the appellant shall not tamper with evidence or witness either during investigation or trial.



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(d) the appellant shall co-operate with the investigation.

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(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 and the appellant 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.

08.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note : Issue order copy on 09.08.2023



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To

- 1.The III Additional District & Sessions Court (PCR Cases),
Madurai.
- 2.The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J.

dss

Order made in
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