



Crl. A.(MD)No.917 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 20.10.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl. A.(MD)No.917 of 2023

1. Muthuselvam

2. Kalidass

3. Anandh

... Appellants/
Petitioners/
Accused 1to3

Vs.

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

2.The State represented by its
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
(Crime No.198 of 2023)

... Respondents/
Respondents/
Complainants

3.Manjula

... Respondent/
Respondent/
Defacto
Complainant



Crl. A.(MD)No.917 of 2023

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of Schedule Caste / Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order of the learned III Additional District and Sessions Judge (PCR), Madurai in Crl.M.P.No.3060 of 2023 dated 03.10.2023 and enlarge the petitioners/appellants/accused no.1 to 3 on bail in Crime No.198 of 2023 on the file of the first respondent police.

For Appellants : Mr.M.Jegadeesh Pandian
For R1 to R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Party in person

JUDGMENT

This Criminal Appeal is directed against the order passed in Crl.M.P.No.3060 of 2023 dated 03.10.2023 by the learned III Additional District and Sessions Judge (PCR), Madurai.

2. The case of the prosecution is there existed previous enmity between both the parties in respect of playing Kabadi game, for which, some wordy quarrel arose between the parties on 29.08.2023 at 10.00 p.m. and as a result of which, on 30.08.2023 at about 11.30 a.m., one Dinesh, who is the fourth accused, was assaulted and caused severe injuries by one Bala and others. Keeping this motive in mind, one Muthuraja, who is the



Crl. A.(MD)No.917 of 2023

husband of the third respondent/defacto complainant, was assaulted by the appellants and the fourth accused on 30.08.2023 at 06.00 p.m. with Aruval, after scolding him in abusing words and uttering his community name. On the basis of the complaint lodged by the third respondent, the second respondent registered a case in Crime No.198 of 2023 for the offences under Sections 294(b), 307, 109 and 120(B) IPC r/w 3(l)(r), 3(l)(s) and 3(2)(v) of SC/ST Act. The appellants/accused 1 to 3 have been arrested and remanded to judicial custody on 01.09.2023.

3. The learned counsel appearing for the appellants submitted that the appellants are innocent persons and have not committed any offences as alleged by the prosecution. The injured was discharged from the hospital on 02.09.2023 itself. The appellants are having permanent residence at Madurai and they are ready to furnish substantial sureties for their appearance and they are also ready to abide any stringent conditions that may be imposed by this Court. He further submitted that the fourth accused Dinesh was already released on bail by the Sessions Court and the appellants are in judicial custody for the past 50 days and hence, he prayed to release the appellants.



Crl. A.(MD)No.917 of 2023

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4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that this is a retaliation case for the case registered in Crime No.196 of 2023 on the file of Austinpatti Police Station for the offences under Sections 294(b), 307, 342 and 506(2) IPC. The injured was discharged from the hospital on 02.09.2023. The appellants are in custody from 01.09.2023 for the past 50 days. He further submitted that if this Court inclined to grant bail to the appellants, some stringent conditions may be imposed.

5. When the matter is taken up for hearing today, the third respondent/defacto complainant appeared in person before this Court and raised objections to allow this appeal.

6. Considering the above facts and circumstances of the case and also the facts that the appellants are in judicial custody from 01.09.2023 for the past 50 days, that the injured was discharged from the hospital on 02.09.2023 itself and that the fourth accused was already released on bail and considering the nature of the offence, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 03.10.2023 made in



Crl. A.(MD)No.917 of 2023

Crl.M.P.No.3060 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.

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7. Accordingly, the Criminal Appeal is allowed and the order dated 03.10.2023 made in Crl.M.P.No.3060 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, 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 learned III 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 appellants shall stay at Trichy and sign before the Trichy Cantonment Police Station daily at 10.30 a.m., until further orders.

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



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Crl. A.(MD)No.917 of 2023

[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.

20.10.2023

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



Crl. A.(MD)No.917 of 2023

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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,
Austinpatti Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl. A.(MD)No.917 of 2023

P.VADAMALAI, J.

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Crl. A.(MD)No.917 of 2023

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