



Crl.A.(MD).No.1057 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.12.2023

Pronounced on : 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

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Karthi @ Karthikeyan ... Appellant / Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Edaiyur Police Station,
Thiruvarur District.

2.The State represented by
The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
(Crime No.324 of 2023)

... 1st & 2nd Respondents / Complainants

3.Deepak ...3rd Respondent/De-facto Complainant

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 15.11.2023 in Crl.M.P.No.462 of 2023 on the file of the I Additional District and Sessions Judge (PCR), Thanjavur and to set aside the same and enlarge the appellant on bail in connection with Crime No.324 of 2023 on the file of the second respondent police by allowing this Criminal Appeal.

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For Appellant : Mr.A.Arun Prasad
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Mr.Deepak (Party in Person)

JUDGMENT

This Criminal Appeal has been filed to set aside the order made in Crl.M.P.No.462 of 2023 dated 15.11.2023 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur and enlarge the appellant/Accused No.3 on bail in connection with Crime No.324 of 2023 on the file of the second respondent police.

2. According to the prosecution, the appellant and other accused persons said to have committed the offences under Sections 294(b), 506(i) of IPC r/w Sections 3(1)(s), 3(2)(va) of SC/ST (POA) Act.

3.The case of the prosecution is that on 01.11.2023 at about 10.30 p.m., while the third respondent/ defacto complainant returning to his home by two wheeler, some person reflected torch light in his face. Due to which,



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the defacto complainant fell down from his two wheeler. When the same was questioned by the defacto complainant, the appellant threatened the defacto complainant by using filthy language and also using his caste name. Hence, the *de-facto* complainant lodged a complaint before the respondent police and the case has been registered in Crime No.324 of 2023 against the appellant and other accused persons for the offences under Sections 294(b), 506(i) of IPC r/w Sections 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989. Therefore, the appellant has filed a petition for bail in Crl.M.P.No.462 of 2023, before the learned I Additional District and Sessions Judge (PCR), Thanjavur and the same was dismissed on 15.11.2023. Challenging the same, the appellant has preferred this Criminal Appeal.

4. The learned counsel for the appellant would submit that the appellant is an innocent and he has been falsely implicated in this case. He would further submit that the date of occurrence is 01.11.2023 and the appellant was arrested on 02.11.2023 and most of the investigation might have been completed and the third respondent/defacto complainant has not sustained any injury and he was treated as out patient. The appellant was



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arrested and remanded on 02.11.2023 and he is in judicial custody for the past 44 days in Sub Jail, Thiruthuraipoondi. He is also ready to abide by any condition imposed by this Court and hence, he seeks to grant bail to the appellant.

5. The learned Additional Public Prosecutor appearing for the State would submit that the appellant herein arrayed as sole accused and he is having six previous cases, in which, three cases were similar in nature. He would further submit that the appellant is a history sheeted rowdy and the case history was opened against him in H.S.No.30 of 2021 by the respondent police and if the appellant released on bail he would tamper the evidence. Hence, he strongly opposed to grant bail to the appellant.

6.The third respondent/de-facto complainant appeared in person and objected to release the appellant on bail.

7.Considering the above facts and circumstances and also considering the period of incarceration and the injured was treated as out



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patient, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 15.11.2023 passed in Crl.M.P.No.462 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur.

8. Accordingly, this Criminal Appeal is allowed and the order dated 15.11.2023 passed in Crl.M.P.No.462 of 2023 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, 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 Special Court for Trial of SC/ST (POA) Act Cases, Thanjavur and on further conditions that:

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

(b) the appellant shall stay at Madurai and report before the Tallakulam Police Station, daily twice i.e. at 10.30 a.m. and 5.30 p.m., until further orders, except on hearing dates.



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(c) the appellant shall not tamper with evidence or witnesses, during investigation or trial.

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

(e) On breach of any of the aforesaid conditions, the learned Trial Court is entitled to take appropriate action against the appellant 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.

21.12.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
VSD



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To

- 1.The Sub Jail, Thiruthuraipoondi
- 2.The I Additional District and Sessions Judge (PCR),
Thanjavur.
- 3.The Deputy Superintendent of Police,
Edaiyur Police Station,
Thiruvarur District.
- 4.The Inspector of Police,
Edaiyur Police Station,
Thiruvarur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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21.12.2023