



Crl. A.(MD)No.1056 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.12.2023

Pronounced on : 22.12.2023

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THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl. A.(MD)No.1056 of 2023

1.Kalaivendhan

2.Suryabharathi

3.Sarankumar

... Appellants

Vs.

1.State: The Inspector of Police,
Koradacherry Police Station,
Thiruvavarur District.

2.State: by Deputy superintendent of Police,
Koradacherry Police Station,
Thiruvavarur District.

3.Senthilkumar

... Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act, 1989, to call for the records in Cr.M.P.No.551 of 2023 in Crime



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No.493 of 2023 on the file of the I Additional District and Sessions Judge, (PCR), Thanjavur dated 23.11.2023 and set aside the same and enlarge the petitioners on bail.

For Appellants	: Mr.T.A.Ebenezer
For R1 and R2	: Mr.B.Nambiselvan
	Additional Public Prosecutor
For R3	: Mr.S.P.Veerapandi

JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to the order passed in Cr.M.P.No.551 of 2023 on the file of the I Additional District and Sessions Judge, (PCR), Thanjavur dated 23.11.2023 and set aside the same and enlarge the petitioners on bail in crime No.493 of 2023 on the file of the first respondent.

2. According to the prosecution the appellants and other accused said to have committed the offence punishable under Sections 147, 148, 294(b), 324, 506(ii), 307 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989.



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3. The case of the prosecution is that due to previous enmity, on 12.11.2023 at about 07.30 p.m., the appellants along with the other accused attacked the defacto complainant with wooden log and aruval and caused grievous injuries to him. Hence, the *de-facto* complainant lodged a complaint before the respondent police and the case has been registered in Crime No.493 of 2023 against the appellants for the offences under Sections 147, 148, 294(b), 324, 506(ii), 307 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the appellants have filed a petition for bail in Crl.M.P.No.551 of 2023, before the learned I Additional District and Sessions Judge, (PCR), Thanjavur, and the same was dismissed on 23.11.2023. Challenging the same, the appellants have preferred this Criminal Appeal.

4. The learned counsel for the appellants would submit that the appellants did not involve in any occurrence as alleged by the prosecution. He further submitted that the injured has been discharged from the hospital. He would further submit that the appellants are willing to produce sufficient sureties for the appearance and the appellants will never abscond and will not tamper the witnesses. The appellants were arrested and remanded on 13.11.2023 and hence, he seeks to grant bail to the appellants.



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5. The learned Additional Public Prosecutor appearing for the respondent police submitted that due to previous enmity, the appellants along with the other accused attacked the defacto complainant and caused grievous injuries to him. He further submitted that the injured has been discharged from the hospital and also submitted that four previous case is pending against the first appellant. He further submitted that it is a case in counter case.

6. The learned counsel for the third respondent has strongly objected to release the appellants on bail.

7. Considering the above facts and circumstances and also the fact that the injured has been discharged from the hospital and also considering the period of incarceration and also the fact that it is a case in counter case, this Court is inclined to allow the Criminal Appeal by setting aside the order dated 23.11.2023 passed in Cr.M.P.No.551 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 23.11.2023 passed in Cr.M.P.No.551 of 2023 on the file of the learned I Additional District and Sessions Judge, (PCR), Thanjavur, is set aside. The appellants are



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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 I Additional District and Sessions Judge, (PCR), Thanjavur, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned I Additional District and Sessions Judge, (PCR), Thanjavur, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellants shall stay at Madurai and to appear before the Inspector of Police, Y.Otthakadai Police Station, Y.Otthakadi, daily at 10.30 am and 5.30 p.m., until further orders.

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

(d) the appellants 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 appellants in accordance with law as if



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the conditions have been imposed 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.

22.12.2023

Index : Yes/No

Internet : Yes/No

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To

1. The I Additional District and Sessions Court, (PCR), Thanjavur.
2. The Inspector of Police,
Koradacherry Police Station,
Thiruvarur District.
3. The Deputy superintendent of Police,
Koradacherry Police Station,
Thiruvarur District.
4. The Superintendant,
District Jail,
Pudukottai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J

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