



Crl.A.No.317 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.317 of 2024

1.Akathiyadevan @ Agatthiyadevan
S/o.Manogar

2.Manokaran @ Manogar
S/o.Kanthasamy

... Appellants/Accused

Vs.

1.The Deputy Superintendent of Police,
Perambalur.

2.State by the Inspector of Police,
Kunnam Police Station,
Perambalur.
(Crime No.101/2024)

3.Ajith

... Respondents

Prayer: Criminal Appeal filed under Section 14A of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 12.03.2024 made in Crl.M.P.No.23 of 2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



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Perambalur and to allow the Criminal Appeal.

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For Appellant : Mr.P.Mohan Lal
For Respondents-1 & 2 : Mr.S.Raja Kumar
Additional Public Prosecutor
For Respondent-3 : Mr.G.Balachandar
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order in Crl.M.P.No.23 of 2024 dated 12.03.2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur and enlarge the appellant on bail in connection with Crime No.101 of 2024 on the file of the second respondent Police.

2.The appellants, who are accused 1 and 2 in Crime No.101 of 2024 for offences under Sections 294(b), 324, 355 and 506(i) of IPC r/w Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, were arrested by the respondent police on 05.03.2024. The appellants filed a bail application before the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur in



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Crl.M.P.No.23 of 2024 and the same was dismissed vide impugned order, dated 12.03.2024. Aggrieved over the same, the present Criminal Appeal is filed.

3.The contention of the learned counsel for appellants is that the appellants and the third respondent/de-facto complainant/victim are adjacent land owners. The appellants' goats entered the de-facto complainant's land and they were grazing there. At that time, the de-facto complainant chased the goats, the field was left open after harvest and there was no restriction to graze the goats. Hence, a wordy quarrel arose, which ended in scuffle. The appellants lodged a complaint for the incident on the same day. The respondent police kept the appellants' complaint pending. On coming to know about the complaint lodged by the appellants, the victim in this case, lodged a complaint and a case in Crime No.101 of 2024 assigned and the appellants were arrested. He further submitted that though the appellants lodged a complaint earlier, the appellants complaint shown as 'occurrence taken place at about 3.15 p.m.' and the de-facto complainant's complaint shown as 'occurrence taken place at 3.00 p.m.'. The appellants and the de-facto complainant are adjacent land owners both residing in the same village



for long time. Both aware about their social and economic status and there is no necessity for the appellants to abuse the de-facto complainant by calling caste name, a normal fight now given a communal colour and they were arrested and detained.

4.The learned Additional Public Prosecutor submitted that in this case on the complaint of the de-facto complainant, a case registered and the appellants were arrested. The de-facto complainant took treatment as inpatient in the hospital and his statement recorded. The appellants abused and assaulted the de-facto complainant. He further submitted that appropriate instructions would be issued to the jurisdictional police to give protection to the de-facto complainant. If any incident of threat or disturbance to the de-facto complainant life happens, immediate steps would be taken to register an F.I.R. under Section 195-A of I.P.C. and strongly opposed for granting bail.

5.The learned Legal Aid Counsel appearing for the third respondent/de-facto complainant submitted that the appellants and the de-facto complainant are adjacent land owners. Purposefully the appellants



abused and assaulted the de-facto complainant. The de-facto complainant now sustained serious injury in his jaw, he is unable to even take his normal food. He took treatment as inpatient for seven days and presently he is suffering with the pain in his jaw. He further submitted that the appellants' family members threatened the de-facto complainant, forcing him to withdraw the complaint. The respondent police entertained false complaint of the appellants to somehow fizzle out the de-facto complainant's complaint and also projected as though this is a case in counter. Hence, strongly objected to grant bail to the appellants.

6.Considering the submissions made and on perusal of the materials, it is seen that the appellants and the de-facto complainant are adjacent land owners. It is the dispute with regard to the grazing of goats. Now the de-facto complainant discharged from the hospital. His only apprehension is, he is fearing for life and threat. Further, the appellants are in confinement from 05.03.2024. In view of the same, this Court is inclined to grant bail to the appellants subject to the following conditions:

- (i)The appellants shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties



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each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii)the appellants shall appear before the Inspector of Police, Trichy Cantonment Police Station, daily at 10.30 a.m. and 5.00 p.m. for a period of two weeks and thereafter as and when required for interrogation.

(iv)the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.

(v)The appellants shall not give any inconvenience or trouble knowingly or unknowingly to the 3rd respondent, failing which, the bail shall be cancelled without any further reference.

(vi)the appellants shall not commit any offences of similar



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nature;

(vii)the appellants shall not abscond either during investigation or trial;

(viii)the appellants shall not tamper with evidence or witness either during investigation or trial;

(ix)on breach of any of the aforesaid conditions, the learned Judicial 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 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]***;

(x)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7.In view of the above, the impugned order in CrI.M.P.No.23 of 2024, dated 12.03.2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Perambalur is set aside and the



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Criminal Appeal is, accordingly, allowed.

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8.This Court appreciates the strenuous efforts taken by Mr.G.Balachandar, learned Legal Aid Counsel appearing for the third respondent/de-facto complainant.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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Note: Issue order copy on 28.03.2024.



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To

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- 1.The Deputy Superintendent of Police,
Perambalur.
- 2.State by the Inspector of Police,
Kunnam Police Station,
Perambalur.
- 3.The Sessions Judge,
Special Court for Trial of Cases under SC & ST (POA) Act,
Perambalur.
- 4.The Superintendent of Police,
Perambalur Sub Jail,
Perambalur District.
- 5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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