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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.04.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**Crl.A.No.358 of 2024**

1. Prabakaran  
2. Selvaganapathy

... Appellants

-Vs-

1. The Inspector of Police  
Harur Police Station,  
Dharmapuri District.

2. Moovendan

... Respondents

(R2 suo motu impleaded as per order dated 27.03.2024 in Crl.A.No.358 of 2024 by this Court.)

**PRAYER:** Criminal Miscellaneous Petition is filed under Section 14 A(2) of SC/ST Act, 1989, to set aside the order passed by the learned Principal District Judge, Dharmapuri in Crl.MP.No.665 of 2024 and enlarge the appellants on bail in Cr.No.103 of 2024 on the file of respondent police.

For Appellants : Mr.M.Ashwin Kumar

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor for R1  
R2 appeared in person



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**J U D G M E N T**

This appeal has been filed against the order passed by the learned Principal District Judge, Dharmapuri in CrI.MP.No.665 of 2024 and enlarge the appellants on bail in Cr.No.103 of 2024 on the file of respondent police.

2.The case of the prosecution is that the appellants are arrayed as A3 and A4. On 28.02.2024 at about 4.20 p.m. when the complainant was proceeding from Harur to his native place in his car and when he was proceeding near bus stop of Kodamandapatti and three persons were creating quarrel by stopping the Kurinji Private School bus and when the complainant enquired about the same, one of the accused has picked up quarrel and abused the complainant in filthy language by using their caste name and inebriated accused have assaulted the complainant by hands and threatened him. Due to which, the defacto complainant sustained injuries and admitted in the hospital. The respondent police has registered a case for the offence under Sections 294(b), 323, 355 and 506(2) of IPC read with SectionS 3(1)(r), 3(1)(s) and 3(2)(va) SC/ST Act as against the appellants and the other accused. They were arrested and remanded to judicial custody on 29.02.2024.



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3. The learned counsel for the appellants submitted that a false case has been foisted against the appellants due to previous enmity and the appellants have nothing to do with the alleged offence. The learned counsel further submitted that the appellants were arrested and remanded to judicial on 29.02.2024 and they have already suffered incarceration for more than 50 days.

4. The learned Additional Public Prosecutor submitted that the victim has been discharged from the hospital and investigation has already been completed.

5. The de facto complainant has appeared before this Court and submitted that the appellants alone were arrested and others were not arrested. If the appellants are enlarged on bail, they will drag on the investigation and hence, the de facto complainant opposes for bail.

6. Taking into consideration, the facts and circumstances of the case and also of the fact that the appellants have already suffered incarceration for more than 50 days and the respondent police already



completed the investigation, this Court is inclined to interfere with the order of the Court below by setting aside the same and grant bail to the appellants / A3 and A4 subject to the following conditions.

7. Accordingly, the appellants 1 and 2 / A3 and A4 are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal District Judge, Dharmapuri and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the appellants shall report before the respondent police, daily at 10.30 a.m. until further orders.

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

[d] the appellants shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 229A IPC.

**8. In the result, this Criminal Appeal is allowed.**

**23.04.2024**

**vji**

**Note; Issue order copy on 23.04.2024**

To

1. The Sub Jail, Harur.
2. The Principal District Court,  
Dharmapuri.
3. The Public Prosecutor,  
High Court Madras,  
Madras.
4. Subsequently the accused  
tr.to District Jail  
Dharmapuri.



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**M.DHANDAPANI., J.**

vji

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