

**CrI.A.No.369 of 2024****M.DHANDAPANI, J.**

This appeal has been filed against the order passed in CMP.No.670 of 2024 by the learned District and Sessions Judge, Special Court for SC/ST (POA) Act, Nagapattinam dated 12.03.2024 in connection with the case in Cr.No.10 of 2024 on the file of the Inspector of Police, Vettainkaraniruppu Police Station, Vettaikaraniruppu, Vedaranyam Taluk, Nagapattinam District.

2.The case of the prosecution is that the appellants are arrayed as A1,A3 and A7. On 22.02.2024 at about 20.30 hrs. one Gurumoorthy, who is the defacto complainant, has lodged a complainant before the first respondent stating that the appellants and other accused persons have scolded the defacto complainant and his mother in filthy language by using their caste name and also attacked with hands and legs and threatened him. Due to which, the defacto complainant sustained injuries and admitted in hospital. The respondent police has registered a case for the offence under Sections 147, 294(b), 323, 354 and 506(i) of IPC read with Section 3(1) read with Section 3(1)(s), 3(2)(va) SC/ST Act as against the appellants and other accused persons. They are arrested and remanded to judicial custody on 22.02.2024.

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 22.02.2024 and he has 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. 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 A-1, A-3 and A-7 subject to the following conditions.

6. Accordingly, the appellants 1,3 and 7 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 District and Sessions Judge for Special Court for SC/ST (POA) Act, Nagapattinam 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.

15.04.2024

rli

Note; Issue order copy on 15.04.2024



WEB COPY



M.DHANDAPANI., J.

rli

CrI.A.No.369 of 2024

15.04.2024