



CRL.A(MD)No.41 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

CRL.A(MD)No.41 of 2024

Karthick

.. Appellant/A5

Vs.

1.The State rep. by its

The Deputy Superintendent of Police,

North Police Station,

Thoothukudi,

Thoothukudi District.

2.The Inspector of Police,

North Police Station,

Thoothukudi,

Thoothukudi District.

(Crime No.420 of 2022)

.. Respondents 1 & 2/ Complainant

3.Mugeshkannan

.. 3rd Respondent/ *De-facto*

Complainant



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Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the Schedule Castes and Tribes Prevention of Atrocities Act, 2015 (Amended by Act 1 of 2016), to call for the records relating to the order dated 09.11.2023 passed in Crl.M.P.No.1113 of 2023 in S.C.No. 35 of 2022 on the file of the Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi, and set aside the same as arbitrary and consequently to release the appellant on bail in connection with case in Crime No.420 of 2022 on the file of the second respondent police by allowing the Criminal Appeal.

For Appellant : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar – for R1 & R2

Additional Public Prosecutor

Mr.P.Banu Prasath – for R3

JUDGMENT

This Criminal Appeal has been filed to call for the records relating to the order, dated 09.11.2023 passed in Crl.M.P.No.1113 of 2023 on the file of the learned Sessions Judge, Special Court for Trial



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of Cases under SC/ST (POA) Act, Thoothukudi and to set aside the same.

2. The case of the prosecution is that due to previous enmity between one Rajamani, his friend Saravanakumar, who is the brother of the *de facto* complainant and A1, on 20.08.2022, at about 09.30 hours, when the defacto complainant along with his deceased brother and uncle were travelling in a bike, the appellant/A5 along with other accused assembled unlawfully and wrongfully restrained them and used filthy language towards the defacto complainant's brother and attacked his brother with Aruval and murdered him and also criminally intimidated them. On receipt of the complaint from the *de-facto* complainant, the respondent police registered a case in Crime No.420 of 2022 for the offences under Sections 120B, 147, 148, 341, 294(b), 302, 506(ii), r/w. 34, 114 of IPC and Section 3(2)(v) of the SC/ST (POA) Amendment Act, 2015.

3. Learned counsel for the appellant would submit that the



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appellant has been falsely implicated in this case and he is innocent and has not committed any offence as alleged by the prosecution. He further submitted that the appellant moved bail application before the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, in Crl.M.P.No.1113 of 2023 and the same was dismissed on 09.11.2023. Hence, the present Criminal Appeal has been filed. The learned counsel submitted that the appellant undertakes to abide by any conditions imposed by this Court for grant of bail.

4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the case pertains to the aforesaid clash and there is a possibility of retaliation. He further contended that if the appellant is released on bail, there is a life threat for the appellant, as well as the witnesses. He also submitted that the investigation has been completed and the charge sheet was also filed and the same was taken on file in S.C.No.35 of 2022 and pending for trial. He further submitted that the



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the appellant had been detained under the Tamil Nadu Act 14/1982 and the said order of detention had been quashed on 12.07.2023 by this Court and now he has no previous case and hence, prays for dismissal of the appeal.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the submissions made on either side and also the duration of incarceration of the petitioner i.e., from 21.08.2022, this Court is inclined to allow the Criminal Appeal, by setting aside the order dated 09.11.2023 made in Crl.M.P.No.1113 of 2023 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

7. Accordingly, the Criminal Appeal is allowed and the order dated 09.11.2023 made in Crl.M.P.No.1113 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of Cases under



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SC/ST (POA) Act, Thoothukudi, is set aside. The appellant is ordered to be released on bail, subject to the following conditions:

[a] The appellant shall execute 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 learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi;

[b] The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[c] The petitioner shall appear and sign before the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, on the first working day of every English calender month at 10.30 a.m., until further orders;

[d] In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall



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appear on the next working day;

[e] The appellant shall not tamper with evidence or witness either during investigation or trial;

[f] The appellant shall cooperate with the investigation;

[g] On breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]***; and

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RM



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- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi,
- 2.The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.
- 2.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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Copy to:

The Superintendent,
Central Prison,
Palayamkottai.



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VIVEK KUMAR SINGH, J.

RM

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(2/2)

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