



CRL.A(MD).No. 66 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 15.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

CRL.A(MD).No.66 of 2024

NLR Jeyasekaran @ Kuttiraja

: Appellant/

Accused No.2

Vs.

1. The Deputy Superintendent of Police,  
Theni, Theni District,

2.The Inspector of Police,  
Theni Police Station,  
Theni District.  
(Crime No.464 of 2023)

: Respondents 1 & 2/  
Complainants

3.M.Vanitha

: 3<sup>rd</sup> Respondent/  
Defacto Complainant

**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 pertaining to the order passed in Crl.M.P.No.1387 of 2023 on the file of the Special Court for Trial Cases under SC/ST (PoA) Act, Theni dated 09.01.2024 and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



WEB COPY



*CRL.A(MD).No. 66 of 2024*

For Appellant : Mr.G.Radhakrishnan  
For Respondents : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor  
for R1 and R2  
Mr.P.Ganapathi Subramaniam  
(Legal Aid Counsel for R3)

### **JUDGMENT**

Challenging the order dated 09.01.2024 made in CrI.M.P.No.1387 of 2023 on the file of the Special Court for Trial Cases under SC/ST (PoA) Act, Theni, the present Appeal has been filed.

2. The case of the prosecution is that the appellant, who has been arrayed as accused No.2 along with other accused have abused the third respondent/defacto complainant with the name of his caste and attacked him at the time of enquiry before the second respondent police. Based on the complaint of the third respondent/defacto complainant, a case has been registered in Crime No.464 of 2023 for the offences punishable under Sections 294(b), 323, 506(i) and 109 of IPC read with Section 4 of the TNPHW Act, Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (PoA) Act. Thereafter, the appellant was arrested on 26.12.2023 and he preferred a bail petition before the Special Court, Theni in CrI.M.P.No.1387 of 2023



*CRL.A(MD).No. 66 of 2024*

and the same was dismissed on 09.01.2024. Aggrieved over the same, the appellant came before this Court with the present appeal.

3. Learned counsel for the appellant would submit that due to previous enmity between the appellant and the father of the third respondent in respect of civil dispute for which a suit has been filed in O.S.No.416 of 2006, which was decreed in favour of the appellant, the third respondent herein lodged a false complaint against the appellant. He would further submit that a counter case has also been registered against the father of the third respondent and others by the second respondent police in Crime No.465 of 2023 for the offences punishable under Sections 147, 148, 294(b), 323 and 506(ii) of IPC. Learned counsel further submitted that the appellant is in custody since 26.12.2023 and if the appellant is released on bail, he is ready to abide any conditions imposed by this Court.

4. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondent police submitted that there is a land dispute between the appellant and the father of the defacto complainant and thereby, both the parties lodged the complaints against each other.



*CRL.A(MD).No. 66 of 2024*

WEB COPY

5. Learned Legal Aid Counsel appearing for the third respondent/defacto complainant submitted that the appellant along with other accused attacked the third respondent before the second respondent police and caused grievous injuries to her and thereby, he opposed to grant bail to the appellant.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Considering the above facts and circumstances of the case and taking into account, the civil dispute between the parties and also the incarceration suffered by the appellant, this Court is inclined to allow the Criminal Appeal, by setting aside the impugned order dated 09.01.2024 made in Crl.M.P.No.1387 of 2023 passed by the learned Special Judge, Special Court for Trial Cases under SC/ST (PoA) Act, Theni.

8. Accordingly, the Criminal Appeal is allowed and the order dated 09.01.2024 made in Crl.M.P.No.1387 of 2023 on the file of the Special Court for Trial Cases under SC/ST (PoA) Act, Theni, is set aside. The



*CRL.A(MD).No. 66 of 2024*

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 Special Judge for Trial Cases under SC/ST (PoA) Act, Theni;

[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 respondent police, 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 appear on the next working day;



CRL.A(MD).No. 66 of 2024

WEB COPY

[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.

**15.02.2024**

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

PKN



CRL.A(MD).No. 66 of 2024

Note:

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 Special Court for Trial Cases under SC/ST (PoA) Act,  
Theni.
2. The Deputy Superintendent of Police,  
Theni, Theni District,
3. The Inspector of Police,  
Theni Police Station,  
Theni 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.



WEB COPY



*CRL.A(MD).No. 66 of 2024*

**VIVEK KUMAR SINGH, J.**

PKN

**CRL.A(MD).No.66 of 2024**

15.02.2024