



CRL.A(MD).No. 105 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

CRL.A(MD).No.105 of 2024

Ammasi : Appellant/
Accused

Vs.

1. The Deputy Superintendent of Police,
Melur Division, Melur, Madurai District. : 1st Respondent/ Investigating
Officer
- 2.State of Tamil Nadu,
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.352 of 2023) : 2nd Respondent/
Complainant
- 3.Mathiraj : 3rd Respondent/
Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(1) 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 CrI.M.P.No.3689 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR Court), Madurai dated 03.01.2024 and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



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For Appellant : Mr.R.Narayanan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor
for R1 and R2
Mr.A.Vadivel for R3

JUDGMENT

Challenging the order dated 03.01.2024 made in CrI.M.P.No.3689 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR Court), Madurai, the present Appeal has been filed.

2. The case of the prosecution is that on 08.11.2023, the appellant assaulted the bull donated by a particular sect of people of the defacto complainant to the temple. The main allegation against the appellant is that he caused blood injuries to the said bull for the reason that it was grazed with other bulls belonging to other community people. Based on a complaint given by the defacto complainant, a case has been registered in Crime No.352 of 2023 on the file of the respondent police for the offences punishable under Sections 429 of IPC and Sections 3(1)(r) of the SC/ST (PoA) Act. Thereafter, the appellant was arrested on 15.11.2023 and he preferred a bail petition before the learned Sessions Judge, Madurai, in



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CrI.M.P.No.3689 of 2023 and the same was dismissed on 03.01.2024.

Aggrieved over the same, the appellant came before this Court with the present appeal.

3. Learned counsel for the appellant would submit that the appellant herein 70 years old person and he has not involved in the case as alleged by the prosecution. He submitted that previously, a case was filed against the appellant and his family members which was later closed by the respondent police as “Mistake of Facts”. Since, the earlier case was closed by the respondent police, the defacto complainant again has given a false complaint. Since the appellant is an aged person, he even could not walk without the help of stick and also suffering with other chronic diseases, he prays for enlargement of the appellant. He further submits that 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 after meticulous consideration, the trial Court held the appellant guilty for the aforesaid offences and prayed for rejection of the appeal.



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

6. Considering the above facts and circumstances of the case and taking into account the age of the appellant, this Court is inclined to allow the Criminal Appeal, by setting aside the impugned order dated 03.01.2024 made in CrI.M.P.No.3689 of 2023 passed by the learned III Additional District and Sessions Judge (PCR Court), Madurai.

7. Accordingly, the Criminal Appeal is allowed and the order dated 03.01.2024 made in CrI.M.P.No.3689 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR Court), Madurai, 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 III Additional District and Sessions Judge (PCR Court), Madurai;



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[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.

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

PKN



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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. III Additional District and Sessions Court (PCR),
Madurai.
2. The Deputy Superintendent of Police,
Melur Division, Melur, Madurai District.
3. The Inspector of Police,
Kottampatti Police Station,
Madurai 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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VIVEK KUMAR SINGH, J.

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