



CRL.A(MD)No.120 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.03.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

CRL.A(MD)No.120 of 2024

Ajith

.. Appellant/A3

Vs.

1.The State rep. by its

The Deputy Superintendent of Police,
Ramanadu Sub Division,
Ramanathapuram District.

2.The Inspector of Police,

Kenikarai Police Station,
Ramanathapuram District.

(Crime No.225 of 2023)

.. Respondents 1 & 2/ Complainant

3.Ashok Kumar

.. 3rd Respondent/ *De-facto*

Complainant



CRL.A(MD)No.120 of 2024

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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 set aside the order passed by the learned Sessions Judge, Special Court for trial of Cases under SC/ST (POA) Act 1989, Ramanathapuram in Cr.M.P.No.1543 of 2023 dated 27.11.2023 and enlarge the appellant on bail in connection with criminal case in Spl.S.C.No.39 of 2023 in Crime No.225 of 2023, by allowing the Criminal Appeal.

For Appellant : Mr.G.Karuppasamypandiyan

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

Additional Public Prosecutor

Mr.B.Karthick – for R3

JUDGMENT

This Criminal Appeal has been filed to call for the records relating to the order, dated 27.11.2023 passed in Cr.M.P.No.1543 of 2023 on the file of the learned Sessions Judge, Special Court for Trial



CRL.A(MD)No.120 of 2024

WEB COPY

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

2. The case of the prosecution is that there was a previous enmity between A1 and the victim/the *de facto* complainant. Due to which, A1 along with A2 attacked the victim by using sword in the Court premises, when the victim came to abide the bail conditions in one case. The petitioner herein/A3 helped them to flee away in his two wheeler, from the place of occurrence. On receipt of the complaint from the *de-facto* complainant, the respondent police registered a case in Crime No.225 of 2023 for the offences under Sections 341, 294(b), 307, 450 of IPC and Sections 3(1)(R)(S), 3(2)(v) of the SC/ST (POA) Amendment Act, 2015.

3. Learned counsel for the appellant would submit that the 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



CRL.A(MD)No.120 of 2024

WEB COPY

learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Ramanathapuram, in Cr.M.P.No.1543 of 2023 and the same was dismissed on 27.11.2023. 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 investigation has been completed and the charge sheet was also filed and the same was taken on file in Spl.S.C.No.39 of 2023 and pending for trial and hence, prays for dismissal of the Criminal 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 appellant/A3 i.e., from



CRL.A(MD)No.120 of 2024

WEB COPY

04.06.2023, this Court is inclined to allow the Criminal Appeal, by setting aside the order dated 27.11.2023 made in Cr.M.P.No.1543 of 2023 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Ramanathapuram.

7. Accordingly, the Criminal Appeal is allowed and the order dated 27.11.2023 made in Cr.M.P.No.1543 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Ramanathapuram, 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, Ramanathapuram;

[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



CRL.A(MD)No.120 of 2024

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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, Ramanathapuram, on the first working day of every English calendar 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;

[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



CRL.A(MD)No.120 of 2024

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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.

22.03.2024

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



CRL.A(MD)No.120 of 2024

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CRL.A(MD)No.120 of 2024

To
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- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Ramanadu Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram 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.

Copy to:

The Superintendent,
Central Prison,
Madurai.



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CRL.A(MD)No.120 of 2024

VIVEK KUMAR SINGH, J.

RM

CRL.A(MD)No.120 of 2024

22.03.2024