



Crl.R.C(MD)No.222 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	26.04.2024
Pronounced On	29.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD).No.222 of 2024

1.Rajinikanth

..Appellant /
Accused No.2

Vs.

1.The State Represented by
The Deputy Superintendent of Police,
Dindigul Sub-Division,
Sanarpatti Police Station,
Dingidul.

2.Sub Inspector of Police,
Sanarpatti Police Station,
Dindigul.
(Crime No.60 of 2024)

3.Kumar

.. Respondents

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the Schedule Caste and Tribes Prevention of Atrocities Act, 1989 to call for the records from the Special Court for Exclusive Trial of Cases under SC/ST (Prevention of Atrocities) Act, Dindigul made in Crl.M.P.No.353 of 2024 on its file dated 29.02.2024 and enlarge the Appellant/2nd Accused on Bail in Crime No.60 of 2024 on the file of the respondent police.



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For Appellant :Mr.M.Vivek Bharthi

Fro Respondents :Mr.B.Nambiselvan
Additional Public Prosecutor
for R1 and R2
:Ms.M.Sakundala Devi
for R3

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order passed in Cr.M.P.No.353 of 2024, dated 29.02.2024, on the file of the Special Court for Exclusive Trial of Cases under SC/ST (Prevention of Attrocities) act, Dindigul, and enlarge the appellant on bail in connection with Crime No. 60 of 2024, on the file of the respondent police.

2.1.According to the prosecution, the appellant is said to have committed the offence under Sections 294(b) and 302 of IPC and 3(2) (v) of SC/ST (POA) Act.

2.2.According to the prosecution, the appellant and the deceased are masons. Both are construction workers. On 16.02.2024, after completion of their work, the appellant along with Murugan (since deceased) went to the wine shop. While they were consuming liquor together, Murugan, the deceased puked and the same was questioned by one Manojkumar, namely, the first accused in this



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case. The deceased scolded the first accused and the appellant. In return, both of them kicked the deceased and pushed him down. In result, he fell down and died on the spot. Thereafter, the respondent police registered the case and on receipt of the complaint given by the son of the deceased, namely, the defacto complainant. Thereafter, the second respondent police arrested the appellant on 16.02.2023 and lodged in District Prison, Dindigul. The respondent police also arrested the other accused. In the said circumstances, the appellant filed the bail petition in Crl.M.P.No.353 of 2024, before the learned trial Judge and the same was dismissed on 16.02.2023, stating that the investigation was not completed and also there was a threat to the witnesses. Challenging the same, the appellant filed this appeal before this Court.

3. The learned counsel for the appellant would submit that from the reading of the FIR, it is clear that only due to drunken brawl, in the wine shop, the occurrence has taken place and there was no premeditation and it was not a planned murder and he is confined in prison from 16.02.2024. Therefore, he seeks bail.

4. The learned Additional Public Prosecutor, on instructions, submitted that the appellant had no previous case. The investigation was completed and the charge sheet has also been filed before the Court below through E-filing. He



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would further submit that they kicked and pushed the deceased knowing that the deceased was drunk. Hence, he seeks for dismissal of this appeal.

5. The defacto complainant appeared through his counsel and submitted that there was threat to the witness and he sought for dismissal of this appeal.

6. This Court has considered the rival submission and also perused the records and the impugned order and all the documents relating to the investigation.

7. From the records it is clear that both the deceased and the appellant were masons and doing construction work. In the said circumstances, both went to the wine shop and consumed liquor. While taking liquor, the deceased puked and scolded the first accused in the said process there was some brawl. In result, the appellant and the first accused pushed the deceased and kicked him, due to which, the deceased fell down and died on the spot. From the above narration of the events, it is seen that there was no previous motive. Further there are no materials to show that there is communal tension in the said area relating to the said murder and also the investigation was completed and the final report was also filed. In the said circumstances, this Court is inclined to allow this Criminal Appeal by setting aside the order dated 14.03.2024 made in Cr.M.P.No.424 of



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2024, on the file of the learned Sessions Judge (FAC), the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

8. Considering the above circumstances and the period of incarceration that the appellant was arrested on 30.11.2023 and confined in District Prison, Dindigul and the appellant having no previous antecedents and no case of communal tension is pleaded by the prosecution, this Court is inclined to allow this Criminal Appeal by setting aside the order, dated 29.02.2024 made in Cr.M.P.No.353 of 2024, on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

9. Accordingly, this Criminal Appeal is allowed and the order dated 29.02.2024 made in Cr.M.P.No.353 of 2024 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under SC/ST (Prevention of Atrocities) Act, Dindigul and on further conditions that:



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a)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Exclusive Trial of Cases under SC/ST (Prevention of Atrocities) Act, Dindigul, may obtain a copy of their valid identity card to ensure their identity;

b)the appellant shall report before the second respondent Police Station, daily at 10.30 a.m., until further orders;

c)the appellant is directed to appear before the Special Court for Exclusive Trial of Cases under SC/ST (Prevention of Atrocities) Act, Dindigul, on the date of hearing and except for that purpose, he is strictly instructed not to enter into the place till the disposal of the trial;

d)the appellant shall not tamper with evidence or witness during trial;

e)on breach of any of the aforesaid conditions, the learned Magistrate/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 was released in bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of***



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Kerala [(2005) AIR SCW 5560]; and

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

29.04.2024

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

sbn

Note: Issue order copy on 30.04.2024



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To

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- 1.The Special Court for Exclusive Trial of Cases under SC/ST
(Prevention of Atrocities) Act, Dindigul.
- 2.The Deputy Superintendent of Police,
Dindigul Sub-Division,
Sanarpatti Police Station,
Dindigul.
- 3.Sub Inspector of Police,
Sanarpatti Police Station,
Dindigul.
- 4.The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Superintendent of Prison,
District Prison, Dindigul.
6. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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