



CRL.A(MD).No.293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.293 of 2024

Ranjith ...Appellant/Petitioner/1st Accused

Vs.

1. The Deputy Superintendent of Police,
Thiruvidaimaruthur Sub Division,
Thanjavur District. ... 1st Respondent
2. The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District,
(Crime No.486 of 2023) ... 2nd Respondent/Respondent/Complainant
3. Jaya ... 3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of the Schedule Castes and Tribes Prevention of Atrocities Act, 2015 as Amended by Act 1 of 2016, to set aside the order dated 28.02.2024 made in Crl.M.P.No.373 of 2024 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur (FAC) in connection with Crime No.486 of 2023 on the file of the second respondent Police and enlarge the appellant on bail.



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For Appellant : Mr.K.M.Karunakaran

For Respondents : Mr.R.Sivakumar,
Government Advocate(Crl.Side)
for R1 & R2

JUDGMENT

This appeal is filed to set aside the order dated 28.02.2024 made in Crl.M.P.No.373 of 2024 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur (FAC) and enlarge the appellant on bail.

2.The appellant is A1, in Crime No.486 of 2023 on the file of the second respondent Police. He is said to have committed the offence under Sections 420, 448, 294(b) and 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA), Act, 1989.

3.The case of the prosecution is that the defacto complainant's parents worked as labourers at the second accused's house. In course of which, the third respondent/defacto complainant entered into a sale agreement with the second accused, who is father of the appellant and gave a sum of Rs.1,15,000/-. The third respondent made several requests to get the sale agreement registered. Therefore, the parents of the third



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respondent stopped working at the appellant's house. Due to which, the appellant is said to have abused the parents of the third respondent in filthy language using their caste name and threatened them with dire consequences. Hence, the third respondent gave a complaint before the second respondent Police and the same was registered with the above stated offences. Thereafter, the appellant was arrested. In the said circumstances, he filed the bail petition before the I Additional District and Sessions Judge (PCR), Thanjavur in Cr.M.P.No.354 of 2023 and the same was granted on 07.08.2023 by imposing condition that the appellant should appear before the Ariyalur Police Station daily at 10.00 a.m., till the investigation is completed. After investigation, the second respondent police completed the investigation and filed a final report and the same was taken on file in Special S.C.No.2 of 2024 by the I Additional District and Sessions Judge (PCR), Thanjavur, and also the case was posted for framing of charges. During the course of proceedings, the appellant has not appeared on 10.11.2023. Hence, NBW was issued against the appellant and the same was executed and the appellant was arrested on 21.02.2024. Hence, he filed another bail petition before the Court below and the same was dismissed by the impugned order dated 28.02.2024. Hence, the present appeal is filed.



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4.The learned counsel for the appellant submitted that the appellant has regularly complied with the condition and only on 10.11.2023, he has not complied with the condition. Hence, the bail granted by the Court below was cancelled and NBW was issued. Thereafter, he was remanded and in judicial custody from 21.02.2024. Hence he seeks for the bail.

5.The learned Government Advocate (Crl. Side) submitted that the the investigation is completed and final report was filed and the same was taken on file in Special S.C.No.2 of 2024 by the learned I Additional District Judge (PCR), Thanjavur and also the case was posted for framing of charges. He further submitted that the appellant has number of previous cases and hence he is not entitled to bail.

6.The defacto complainant appeared in person and filed the objection which reads as under:



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அதிகாரம்

தமிழக அரசு
பி.சி. இயக்குகிற
— திரு. க. சிவசுந்தரி
இதன் கீழே
இதன் கீழே
இதன் கீழே
இதன் கீழே

⑤ $\log_2 2 = 1$

காரணமாகவே கீழ்க்கண்ட அளவிற்கும்
உள்ளடங்கிய அளவு கீழ்க்கண்டவர்களுக்கு உரியதாக
உள்ளது.

الحمد لله

[illegible]

Ques: Ensayo
Baja: 18.04.24

உய்யக்
கி. பாய்.

Hence, he seeks for dismissal of the appeal.

7. This court considered the rival submission and perused the record.

8. Earlier, the appellant was enlarged on bail on condition that the appellant should appear before the Ariyalur Police Station daily at 10.00



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am till the completion of the investigation. The appellant regularly complied with the condition except one day ie., 10.11.2023, for which, NBW was issued and hence, he was again arrested and remanded to judicial custody on 21.02.2024 and he is inside the jail from 21.02.2024 onwards. Even though he has number of previous cases, the same was considered and bail was granted. Now, only for his non compliance of condition for one day, the present NBW was issued and he was arrested. As on date, the investigation was completed and filed final report and the same was taken on file in Spl.S.C.No.2 of 2024 by the I Additional District Judge (PCR), Thanjavur.

9.Considering the above all the circumstances and also considering the period of incarceration and the fact that he has not complied with the condition only one day ie.,10.11.2023, this Court is inclined to grant bail.

10. Accordingly, the Criminal Appeal is allowed and the order dated 28.02.2024 made in Cr.M.P.No.373 of 2024 on the file of the learned Ist Additional District and Sessions Judge (PCR),Thanjavur (FAC) 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



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two sureties, for a like sum to the satisfaction of the Ist Additional District and Sessions Judge (PCR), Thanjavur (FAC), and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Trial of Cases Registered under SC/ST (PoA) Act 1989, Thanjavur, may obtain a copy of their valid identity card to ensure their identity.

(b) The appellant shall report before the the Special Court for Trial of Cases Registered under SC/ST (PoA) Act 1989, Thanjavur, daily at 10.30 am, until further orders.

(c) the appellant shall not tamper with evidence or witness during trial.

(d) the appellant shall co-operate with the proceeding of trial Court.

(e) On breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the



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appellant was released on bail by the learned Trial Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

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

24.04.2024

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

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Note: Issue order copy on 29.04.2024.



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To

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1. The learned I Additional District
and Sessions Judge (PCR),
Thanjavur (FAC)
2. The Deputy Superintendent of Police,
Thiruvudaimaruthur Sub Division,
Thanjavur District.
3. The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur 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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K.K.RAMAKRISHNAN,J.

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