



Crl.A(MD) No.430 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.A(MD) No.430 of 2024

Anbuselvam@Anjukasu

... Appellant/A-6

Vs

1. State represented by
The Deputy Superintendent of Police,
Nilakottai Sub Division,
Dindigul District.

2. The Inspector of Police,
Ammayanickanur Town Police Station,
Dindigul District.
Crime No.95 of 2022.

3. Muthuraja

... Respondents

PRAYER : Criminal Appeal is filed under Section 14-A(2) of SC/ST (PoA) Act, 1989 as amended by Act 1/2016, to set aside the order made in Crl.M.P.No.548 of 2024 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul dated 26.03.2024 and allowed the appeal and enlarge the appellants on bail.



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For Petitioner : Mr.J.Vishnu
For R-1 & R-2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R-3 : No appearance

JUDGMENT

This Criminal Appeal has been filed challenging the order, dated 26.03.2024 in Crl.M.P.No.548 of 2024 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.

2. The appellant is A6 in Crime No.95 of 2022 on the file of the second respondent Police. They are said to have committed alleged offences under Sections 147, 148, 294(b), 324, 307, 109, 323 r/w 34 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (PoA) Act, 1989.

3. According to the prosecution, due to previous enmity, the appellant and other accused attacked the defacto complainant, abused him in filthy language and also damaged the defacto complainant's property. Hence, the respondent Police has registered the case in Crime No.95 of 2022 for the offences under Sections 147, 148, 294(b), 324, 307, 109, 323



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r/w 34 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (PoA) Act, 1989 as against the appellant and others. Subsequently, the Investigation Officer conducted an enquiry and filed a final report before the Court concerned. Thereafter, the appellant regularly appeared before the Court concerned and for one hearing, the appellant has not appeared before the Court concerned. Hence, non-bailable warrant has been issued on 28.11.2023. Subsequently, the appellant was secured on 16.02.2024. Thereafter, the appellant has filed a bail petition before Special Court for exclusive trial of Cases under SC/ST (PoA) Act, Dindigul District. Considering the gravity of offences and also considering the objections raised by both the respondent police, the learned Sessions Judge has dismissed the bail petition, vide order dated 26.03.2024. Challenging the same, the present appeal has been preferred.

4. The learned counsel for the appellant submitted that the appellant is inside the jail from 16.02.2024. The defacto complainant made a false allegation against them and hence, he seeks for bail.



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5. The learned Government Advocate (Crl. side) raised serious objections by stating that non-bailable warrant was issued to the appellant/petitioner for not appearing before the Court concerned. Hence, he seeks for dismissal of bail petition.

6. This Court considered the rival submission made on either side and perused the records and also impugned order. This Court also perused the FIR.

7. As per the FIR, the allegation is that the appellant abused the defacto complainant by using his caste name and also committed criminal intimidation. He already released on bail. Only one hearing he has not appeared before the Court concerned. Hence, he was arrested on the basis of NBW issued. Therefore, taking the account that the appellant is inside the jail for more than 100 days and also he is regularly appearing before the Court below except one hearing and also no case of communal tension is pleaded by the prosecution, this Court is inclined to allow the Criminal Appeal.



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8. Accordingly, the Criminal Appeal is allowed and the impugned order dated 26.03.2024 made in Cr.M.P.No.548 of 2024 on the file of Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, is set aside. The appellant is ordered to be released on bail on their executing 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 Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, 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 Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellants are directed to appear before the trial Court, daily at 10.30 am, until further orders.



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(c) the appellants shall not tamper with evidence or witnesses during trial.

(d) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants were 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.

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

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1. The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul.
2. The Deputy Superintendent of Police, Nilakottai Sub Division, Dindigul District.
3. The Inspector of Police, Ammayanickanur Town Police Station, Dindigul District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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