



CRL.A(MD).No.496 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.496 of 2024

Kumar

.... Petitioner/Sole Accused

Vs.

1. The Deputy Superintendent of Police,
Pudukottai District,
(Crime No.230 of 2024) ... 1st Respondent/Investigation Officer
2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.230 of 2024) ... 2nd Respondent/Complainant
3. Lakshmi ... 3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST Act, to set aside the order in CrI.M.P.No.469 of 2024 dated 30.05.2024 on the file of the Special Sessions Judge(FAC), Special Court for Trial of Cases under SC/ST(POA) Act, Pudukkottai District and to enlarge the Appellant on Bail in Crime No.230 of 2024 pending on the file of the 2nd Respondent Police.



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For Appellant : Mr.A.Aruljenifer
For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
(For R1 & R2)

No appearance (For R3)

JUDGMENT

This appeal is filed to set aside the order dated 30.05.2024, made in CrI.M.P.No.469 of 2024 on the file of the Special Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Pudukkottai District, and to enlarge the appellant on bail in Crime No.230 of 2024 pending on the file of the second respondent Police.

2.The appellant is the sole Accused, in Crime No.230 of 2024 on the file of the second respondent Police. He is said to have committed the offence under Sections 294(b), 323, 355 and 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA), Act, Amendment Act, 2015.

3.The case of the prosecution is that on 23.05.2024, at about 6.30 p.m., when the defacto complainant was grazing cattle in the appellant/Accused's land situated at Vallavari Poovankollai, and hence, the appellant/Accused came there and scolded the defacto complainant using



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caste name with obscene words and assaulted her. 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 on 24.05.2024. In the said circumstances, he filed the bail petition before the Special Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Pudukkottai District, in Cr.M.P.No.469 of 2024 and the same was dismissed by the impugned order dated 30.05.2024, on the ground that the appellant is having three previous cases. Challenging the same, the present appeal is filed under Section 14 A (2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016.

4.The learned counsel appearing for the appellant submitted that as on date, one case is pending. He further submitted that there was no injury and only the body pain. Due to some other motive, she made false allegation. He further submitted that the petitioner is inside the jail from 24.05.2024. Hence he seeks for the bail.

5.The learned Government Advocate (Crl. Side) submitted that the the investigation is still pending. He further submitted that the appellant has three more previous cases. Hence, he is not entitled to bail.



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6.The defacto complainant presented before this Court and raised his objection by filing written objection stating that if he is released on bail, there will be a possibility to attack her. Hence, he seeks to dismissal of this appeal.

7.This Court considered the rival submission made on either side and perused the materials available on record.

8.From the FIR, it is seen that when the defacto complainant was attempted to graze the cattle in the appellant's land, and hence, there was some dispute between them.

9.Considering the facts and circumstances of the case and also considering the period of incarceration and the defacto complainant was discharged from the hospital and there was no communal tension pleaded by the prosecution, this Court is inclined to allow this Criminal Appeal.

10.Accordingly, the Criminal Appeal is allowed and the impugned order dated 30.05.2024, made in CrI.M.P.No.469 of 2024 on the file of the Special Sessions Judge (FAC), Special Court for Trial of Cases under



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SC/ST (POA) Act, Pudukkottai District, is set aside. The appellant is ordered to be released on bail on her 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 the Special Sessions Judge(FAC), Special Court for Trial of Cases under SC/ST(POA) Act, Pudukkottai District, and on further conditions that:

(a) the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the the Special Sessions Judge(FAC), Special Court for Trial of Cases under SC/ST(POA) Act, Pudukkottai District, may obtain a copy of her valid identity card to ensure his identity.

(b)the appellant is directed to stay away from the place of occurrence and appear before the Peravurani Police Station, Thanjavur District, daily at 10.30 am, until further orders.

(c) the appellant shall not tamper with evidence or witnesses 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.

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

Note: Issue Order Copy On 24.06.2024.



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To
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- 1.The Special Sessions Judge(FAC),
Special Court for Trial of Cases
under SC/ST(POA) Act,
Pudukkottai District.
- 2.The Deputy Superintendent of Police,
Pudukkottai District.
- 3.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai 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.

vsg

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