



CrI.A.(MD).No.554 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.A.(MD).No.554 of 2024

1.Muthuraman
2.Prabhakaran @ China ... Appellants/Petitioners/
Accused Nos.2 & 3

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam Police Station,
Thoothukudi District.

2.The State rep. By
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.101 of 2024)

... Respondents/Respondents/
Complainants

3.Arumugam Perumal

... Respondent/Respondent/
Defacto complainant

4.Marimuthu

... Respondent/Respondent/
Victim

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (Prevention of Atrocities) Act, 1989 to set aside the order of the learned Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi in CrI.M.P.No.520 of 2024 and the same was dismissed on 27.05.2024 and



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enlarge the petitioners/appellants/accused Nos.2 and 3 on bail in Crime No. 101 of 2024 on the file of the 1st respondent police.

For Appellants : Mr.M.Jegadeesh Pandian

For Respondents : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side) for R1 & R2

: Mr.S.Mandiralingeswaran for R3

* * * * *

JUDGMENT

This Criminal Appeal has been filed to set aside the order of the learned Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi in Crl.M.P.No.520 of 2024 and the same was dismissed on 27.05.2024 and enlarge the petitioners/appellants/accused Nos.2 and 3 on bail in Crimer No.101 of 2024 on the file of the 1st respondent police.

2.1. According to the prosecution, the appellant and the other accused said to have committed the offences under Sections 294(b), 323, 324, 307, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2) (va) of the SC/ST (Prevention of Atrocities Amendment Act, 2015).



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2.2. According to the prosecution, on 20.04.2024 at about 7.40 p.m., when the injured and the defacto complainant were on Samiyathu Canal Bridge, the first accused along with other three accused persons, including these petitioners came there and attacked the injured person with iron rod and other accused persons have also attacked him and also verbally abused him by calling his caste name and also criminally intimidated him and the injured has been admitted Government Medical College Hospital, Tirunelveli and the defacto complainant lodged a complainant. Hence, the second respondent Police registered a case in Crime No.101 of 2024 against the appellant and the other accused persons, for the offences under Sections 294(b), 323, 324, 307, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2) (va) of the SC/ST (Prevention of Atrocities Amendment Act, 2015), after completing the investigation, the second respondent police filed a charge sheet before the learned Sessions Judge, Special Court for Trial of cases under SC/ST(PoA) Act, Thoothukudi, and the same was taken on file in Cr.M.P.No.520 of 2024 for the offences under Sections 294(b), 323, 324, 307, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2) (va) of the SC/ST



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(Prevention of Atrocities Amendment Act, 2015). Thereafter, the appellant herein has filed a bail petition in Cr.M.P.No.520 of 2024 on the file of learned Sessions Judge, Special Court for Trial of cases under SC/ST(PoA) Act, Thoothukudi, and the same was dismissed on 27.05.2024. Aggrieved over the same, the appellants have preferred this Criminal appeal.

3. When the matter is taken up for hearing today, the learned counsel for the appellants seeks permission of this Court to withdraw this appeal as against the first appellant alone. He has also made an endorsement to that effect.

3.1. Recording the said submission and endorsement, this ***Criminal Appeal stands dismissed as withdrawn in respect of the first appellant alone.***

4. As far as the second appellant is concerned, the learned counsel for the appellants would submit that the second appellant is the innocent person and he has falsely implicated in this case. In the said circumstances,



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only on the basis of the said allegation, the above case was registered against second appellant and he has been confined in prison from 22.04.2024. Hence, he seeks bail.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that if the second appellant is released on bail, he will indulge in such offences and there is a chance of threatening the witnesses; and there is also a possibility of absconding without appearing for trial and he seeks for the dismissal of this appeal by confirming the order passed by the Court below.

6.The learned counsel for the defacto complainant reiterated the submission of the learned Government Advocate (Criminal Side) and strongly objected to release the second appellant on bail. He has not only abused the defacto complainant and also attacked him with iron rod. He further submitted that there is a life threat to the witnesses and hence, he seeks for dismissal of this appeal.



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6. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. The second appellant along with the other accused said to have attacked defacto complainant and also verbally abused him by using his caste name and also criminally intimidated him. The injured is also discharged from the hospital. Considering the period of incarceration and co-accused already released on bail, this Court is inclined to ***allow this Criminal Appeal in respect of the second appellant alone*** by setting aside the order, dated 27.05.2024 made in Cr.M.P.No.520 of 2024, on the file of the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi.

8. Accordingly, the Criminal Appeal is allowed **in respect of the second appellant alone** and the order dated 27.05.2024 made in Cr.M.P.No. 520 of 2024 on the file of the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi, is hereby set aside. The second appellant is ordered to be released on bail on his executing a



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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 Trial of cases under SC/ST (POA) Act, Thoothukudi 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 under SC/ST (POA) Act, Thoothukudi may obtain a copy of their valid identity card to ensure their identity.

(b) the second appellant shall report before the second respondent police, daily at 10.30 am, until further orders.

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

(d) the second appellant shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second appellant in accordance with law as if the conditions have been imposed and the second appellant was released on bail by the learned Magistrate/Trial Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**



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[(2005) AIR SCW 5560].

(f) If the accused/second appellant 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
RJR

Note: Issue order copy on 19.07.2024



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To

- 1.The learned Special Court for Trial of cases under
SC/ST (POA) Act, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 3.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi 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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RJR

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2. When the matter is taken up for hearing today, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition. He has also made an endorsement to that effect.

3. Recording the said submission and endorsement, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected Criminal Miscellaneous Petitions are closed.