



Crl.A.(MD)No.591 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD)No.591 of 2024

Manikandan

...Appellant/Accused No.1

Vs.

1.The state represented by its
The Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram District.

...1st respondent/
Investigation Officer

2.The Inspector of Police,
Muthukulathur police Station,
Ramanathapuram District.
(Crime No.119 of 2018)

... 2nd respondent/
Complainant

3.Saravanan

... 3rd respondent/
Defacto complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the Schedule Caste and Tribes Prevention of Atrocities Act, 2015 as Amended by Act 1 of 2016, to call for the entire records relating to the impugned order dated 05.07.2024 made in Crl.M.P.No.1002 of 2024 before the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram and to set aside the same and consequently release the appellant on bail in connection with the FIR in Crime No.119 of 2018 on the file of the 2nd



Crl.A.(MD)No.591 of 2024

respondent police, which is tried in Spl.S.C.No.10 of 2019 on the file of the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram.

For Appellant :Mr.S.Jeyakarthik

Fro R1 & R2 :Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

* * * * *

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order passed in Cr.M.P.No.1002 of 2024, dated 05.07.2024, on the file of the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram and enlarge the appellant on bail in connection with Crime No.119 of 2018, on the file of the respondent police.

2.1.As per the prosecution, the appellant is said to have committed the offences under Sections 341, 294(b), 324, 506(i) of IPC and Section 4 of TNPPDL Act r/w Section 3(1)(r), 3(1) 3(s) of SC/ST (POA) Act.

2.2.According to the prosecution, the petitioner and the defacto complainant had some dispute. On 17.09.2018, the defacto complainant was driving his auto, the appellant intercepted the defacto complainant and



Crl.A.(MD)No.591 of 2024

abused the defacto complainant. Then, the accused person has attacked the defacto complainant by using a stone and he also damaged the wind screen of the defacto complainant's auto. Thereafter, a complaint was lodged in this regard before the respondent police under Sections 341, 294(b), 324, 506(i) of IPC and Section 4 of TNPPDL Act r/w Section 3(1)(r), 3(1) 3(s) of SC/ST (POA) Act. After investigation the final report was filed. Thereafter, summon was issued and subsequently, NBW was issued on 09.03.2021 and the same was pending before the Court below. Thereafter, the investigating agency arrested the accused. Hence, the appellant filed a petition for bail in Cr.M.P.No.1002 of 2024, before the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram. The same was dismissed on 05.07.2024 considering the long absence namely for more than one and ¼ years. Challenging the same, the appellant has preferred this Criminal Appeal.

3.The learned counsel for the appellant would submit that the NBW was issued on 09.03.2021 and the appellant was not aware of the same and hence he was unable to appear before the Court below. Now he is ready to appear before the Court below regularly till the disposal of the case. Further, he undertakes to deposit a sum of Rs.20,000/-(Rupees Twenty Thousand



Crl.A.(MD)No.591 of 2024

only). Hence, he seeks bail.

WEB COPY

4.The learned Additional Public Prosecutor, on instructions would submit that the investigation was completed and the final report was also filed before the Court below. He further stated that there was no other allegation against this appellant and he has no previous antecedent. Further, he would submit that if the appellant is released on bail, he will indulge in similar offences again and there is a chance of threatening the witnesses; and also a possibility of absconding without appearing for trial. In view of the above situation, he seeks for dismissal of this appeal by confirming the order passed by the Court below.

5. This Court considered the rival submissions made on either side and perused the materials available on record.

6. Considering the above circumstances and the period of incarceration that the appellant was arrested on 29.06.2024 and confined at District Jail, Ramanathapuram and the appellant having no previous antecedents and no case of communal tension was pleaded by the prosecution, this Court is inclined to allow this Criminal Appeal by setting aside the order, dated



Crl.A.(MD)No.591 of 2024

05.07.2024 made in Cr.M.P.No.1002 of 2024, on the file of the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram.

7. Accordingly, this Criminal Appeal is allowed and the order dated 05.07.2024 made in Cr.M.P.No.1002 of 2024 on the file of the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram is hereby 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 learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram and on further conditions that:

a)the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** which is non-refundable to the credit of the Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, bearing Account No.: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832, for the welfare of the children **on or before 30.07.2024;**



WEB COPY



Crl.A.(MD)No.591 of 2024

b)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram, may obtain a copy of their valid identity card to ensure their identity;

c)the appellant is directed to appear before the learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram daily at 10.30 a.m. until further orders;

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

e)the appellant shall render all co-operation to complete the trial;

f)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 on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]***; and

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



Crl.A.(MD)No.591 of 2024

WEB COPY

8. The learned trial Judge is directed to dispose of the Spl.S.C.No.10 of 2019 within a period of three months from the date of receipt of a copy of this order.

9. Post the matter on **31.07.2024** for reporting compliance.

23.07.2024

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

RJR

Note: Issue Order copy on 25.07.2024



Crl.A.(MD)No.591 of 2024

WEB COPY

- To
- 1.The learned Sessions Judge, Special Court for the exclusive trial of SC/ST cases, Ramanathapuram.
 - 2.The Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram District.
 - 3.The Inspector of Police,
Muthukulathur police Station,
Ramanathapuram District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 - 5.The District Jail,
Ramanathapuram.
 6. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A.(MD)No.591 of 2024

K.K.RAMAKRISHNAN, J.

RJR

Crl.A.(MD)No.591 of 2024

23.07.2024