



Crl.A(MD).No.614 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.A(MD).No.614 of 2024

Anaimuthu Durai

... Appellant

Vs.

- 1.State Rep. By
The Deputy Superintendent of Police,
Sankarankovil Sub Division,
Tenkasi District,
- 2.The Inspector of Police,
Panavadalichathiram Police Station,
Sankarankovil,
Tenkasi District.

3.Pooraja

... Respondents

PRAYER : Criminal Appeal filed under Section 14 A (2) of SC/ST (Prevention of Atrocities Act), 2015 as amended by Act 1 of 2016, to call for the records pertaining to the order passed in Crl.M.P.No.2521 of 2024 in Crime No.92 of 2024 on the file of the II Additional District Judge (PCR), Tirunelveli dated 09.07.2024 and set aside the same as illegal and enlarge the appellant on bail.

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For Appellant : Mr.M.Prabu
For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

JUDGMENT

This appeal has been filed to set aside the order dated 09.07.2024 in Crl.M.P.No.2521 of 2024 on the file of the learned II Additional District Judge (PCR), Tirunelveli and enlarge the appellant on bail.

2. The appellant is A2, in Crime No.92 of 2024 on the file of the second respondent Police. He is said to have committed the offence under Sections 147, 148, 341, 342, 294(b), 323 and 324 of IPC and r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and the Schedule Tribes(Prevention of Atrocities) Amendment Act.

3. The case of the prosecution is that due to previous enmity between the appellant and the defacto complainant, on 19.06.2024 the appellant along with the other accused persons abused the defacto complainant in filthy language and also attacked him. Hence, the complaint was lodged before the second respondent Police and the same was



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registered under Sections 147, 148, 341, 342, 294(b), 323 and 324 of IPC and r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and the Schedule Tribes(Prevention of Atrocities)Act, 2015 in Crime No.92 of 2024. Thereafter, the appellant was arrested on 20.06.2024.

4. The Appellant has filed the bail petition before the learned II Additional District Judge (PCR), Tirunelveli and the same was dismissed by passing the impugned order dated 09.07.2024. Challenging the same, the appellant has filed this criminal appeal before this Court.

5. The learned counsel appearing for the appellant would submit that the appellant has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit the co-accused was released on bail and also submits that the injured has been discharged from the hospital. Therefore, he seeks for bail.

6. The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is going on and two



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previous cases are pending against the appellant. Therefore, he seeks for the dismissal of this case.

7. The defacto complainant is present before this Court and he has also raised objection to grant bail to the appellant.

8. The learned Government Advocate (Crl.Side) appearing for the respondent police and the defacto complainant fairly submits that the injured has been discharged from the hospital.

9.This Court has considered the rival submission and perused the records.

10. Considering the facts and the circumstance of this case and also the fact that injured has been discharged from the hospital and also considering the period of incarceration, this Court inclines to grant bail to the appellant.



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11. Accordingly, the Criminal Appeal is allowed and the order dated 09.07.2024 made in Crl.M.P.No.2521 of 2024 on the file of the learned II Additional District Judge (PCR), Tirunelveli, 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 two sureties, for a like sum to the satisfaction of the learned II Additional District Judge (PCR), Tirunelveli and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional District Judge (PCR), Tirunelveli, may obtain a copy of their valid identity card to ensure their identity.

(b) The appellant shall report before the the learned II Additional District Judge (PCR), Tirunelveli, daily at 10.30 a.m., and 5.30 p.m, 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.



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(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 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.

29.07.2024

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

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(Note:- Issue order copy on 30.07.2024)



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To

1. The Superintendent of Prison,
Central Jail,
Palayamkottai.
2. The II Additional District Judge (PCR),
Tirunelveli.
3. The Deputy Superintendent of Police,
Sankarankovil Sub Division,
Tenkasi District,
4. The Inspector of Police,
Panavadalichathiram Police Station,
Sankarankovil,
Tenkasi District.
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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