



*Crl.A(MD)No.618 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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Dated: 02.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**Crl.A.(MD)No.618 of 2024**

Nowsath Ali

...Appellant/Sole Accused

Vs.

1.The State represented by its  
The Deputy Superintendent of Police,  
Thanjavur Sub Division,  
Thanjavur District.

2.The Inspector of Police,  
Thiruvudaimarudur Police Station,  
Thanjavur District.  
(Crime No.560 of 2024)

... Respondent Nos.1 and 2/  
Complainant

3.Kalaivanan

...3<sup>rd</sup> Respondent/  
Defacto complainant

**Prayer** : This Criminal Appeal is filed under Section 14A of the SC/ST Prevention of Atrocities Act, to call for the records relating to the order passed by the learned 1<sup>st</sup> Additional District and Sessions Judge(PCR), Thanjavur in Crl.M.P.No.671 of 2024 dated 16.07.2024 and set aside the same.

For Appellant : Mr.K.Vadivelu

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

\* \* \* \* \*



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## **JUDGMENT**

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This appeal has been filed to set aside the order dated 16.07.2024 in Cr.M.P.No.671 of 2024 on the file of the learned 1<sup>st</sup> Additional District and Sessions Judge(PCR), Thanjavur.

2.The appellant is sole accused, in Crime No.560 of 2024 on the file of the second respondent Police. He is said to have committed the offence under Sections 294(b), 323, 506(ii) of IPC r/w Section 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Act.

3.The case of the prosecution is that on 09.06.2024, the appellant/accused went to the defacto complainant's house at about 10.00.a.m. and quarrelled with the defacto complainant's wife and she informed the same to her husband/defacto complainant. The complainant again went to the appellant's house at about 10.30 a.m and quarrelled with both the defacto complainant and the appellant. At that time, the appellant punched the nose. Due to bleeding the nose, immediately, the defacto complainant and the appellant rushed to Kumbakonam Government Hospital and took first aid. Thereafter, the hospital authority has referred to Thanjavur Government Hospital for further treatment. The second respondent police went to Thanjavur Government Hospital on



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09.06.2024 itself and obtained statement from the defacto complainant and registered the FIR in Crime No.560 of 2024 and arrested the appellant/accused by the respondent police under Sections 294(b), 323, 506(ii) of IPC r/w Section 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Act.

4.The Appellant has filed the bail petition before the learned I Additional District and Sessions Judge(PCR), Thanjavur and the same was dismissed by passing the impugned order dated 16.07.2024, stating that investigation is not yet completed. Challenging the same, the appellant has filed this criminal appeal before this Court.

5.The learned Counsel for the appellant would submit that according to the prosecution, on 09.06.2024, the appellant/accused went to defacto complainant's house at about 10.00.a.m. and quarrelled with the defacto complainant's wife and she informed the same to her husband/defacto complainant. The complainant again went to the appellant's house at about 10.30 a.m and quarrelled with both the defacto complainant and the appellant. At that time, the accused punched the nose. Due to bleeding the nose, immediately the defacto complainant and the appellant rushed to Kumbakonam Government Hospital and took first aid and false case was registered against



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him and the appellant is in the custody from 04.07.2024 onwards. Therefore, he seeks for bail.

6.The learned Government Advocate(Crl.side) would submit that investigation has not yet completed. He submitted that the injured discharged from hospital. **Counter case also filed against the defacto complainant.** Therefore, he seeks for the dismissal of this case.

7.The defacto complainant has appeared in person and raised his objection to grant bail. It is submitted that he caused the bleeding injury and hence, he seeks to dismiss this case.

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

9.Considering the submission of the learned Counsel for the appellant that the appellant was arrested on 04.07.2024 and confined at Prison and the appellant having no previous antecedents and no case of communal tension was pleaded by the prosecution and the injured discharged from hospital and **the counter case also registered against the defacto complainant**, this Court is inclined to allow this Criminal Appeal by setting aside the order, dated



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16.07.2024 made in Crl.M.P.No.671 of 2024, on the file of the learned I Additional District and Sessions Judge(PCR), Thanjavur.

10. Accordingly, the Criminal Appeal is allowed and the order dated 16.07.2024 made in Cr.M.P.No.671 of 2024 on the file of the learned I Additional District and Sessions Judge(PCR), Thanjavur 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 I Additional District and Sessions Judge(PCR), Thanjavur and on further conditions that:

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

(b)The appellant shall report before the the learned I Additional District and Sessions Judge(PCR), Thanjavur, daily at 10.30 am, 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.

**02.08.2024**

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

***Note: Issue order copy on 02.08.2024***



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To

- 1.The learned I Additional District and Sessions Judge(PCR),  
Thanjavur.
- 2.The Deputy Superintendent of Police,  
Thanjavur Sub Division,  
Thanjavur District.
- 3.The Inspector of Police,  
Thiruvidadaimarudur Police Station,  
Thanjavur 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.**

RJR

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