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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)Nos.665, 660 and 647 of 2024

Yuvaraj	... Appellant/Petitioner/ Accused No.6 in Crl.A(MD)No.665 of 2024
Nishanth @ Nisandh	... Appellant/Petitioner/ Accused No.5 in Crl.A(MD)No.660 of 2024
Chandrakumar	... Appellant/Petitioner/ Accused No.4 in Crl.A(MD)No.647 of 2024

Vs.

1.State represented by
The Deputy Superintendent of Police,
Musiri Sub Division,
Trichy District.

2.State represented by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.185 of 2024)

... Respondents No.1 & 2 /
Respondents No.1 & 2 / Complainant

3.Ganesan

... 3rd Respondent/ 3rd Respondent/
Defacto Complainant
(in all Criminal Appeals)



Common Prayer : These Appeals filed under Section 420 of BNSS / Section 14 A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (POA) 1989, to set aside the order passed by the 1st Additional District and Sessions Judge (PCR), Tiruchirappalli, dated 29.07.2024, made in Crl.M.P.Nos.3728 and 3640 of 2024 consequently enlarge the appellants / Accused Nos. 4 to 6, on bail in Crime No.185 of 2024 on the file of the respondent police.

For appellants : Mr.R.L.Dhilipan Pandian
for Mr.K.Arunraj
in Crl.A(MD)Nos.660 and 665 of 2024

For appellant : Mr.A.Joel Paul Antony
in Crl.A(MD)No.647 of 2024

For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

COMMON JUDGMENT

Heard the learned Counsel appearing for the appellants and learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

2.These Criminal Appeals have been filed to call for the records and to set aside the order passed by the 1st Additional District and Sessions Judge (PCR), Tiruchirappalli, dated 29.07.2024, made in Crl.M.P.Nos.3640 and 3728 of 2024 consequently enlarge the appellants / Accused Nos. 4 to 6, on bail in Crime No.185 of 2024 on the file of the respondent police.



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3. The case of the prosecution is that the third respondent is the Principal of Government Arts College, Musiri, Trichy District. On 09.07.2024, at about 11.45 a.m., the petitioners along with other accused and their henchmen had quarrel with the third year students namely Ragavan and Surya at the campus of the Government Arts College, Musiri and the same was informed to the third respondent by one Office Assistant namely Baskar and hence a complaint has been given in this regard before the second respondent. Therefore, a case was registered in Crime No.185 of 2024 dated 09.07.2024 for the offences alleged under Sections 191(2), 191(3), 296(b), 329(4), 115(2), 118(1), 351(3) BNS. (*) r/w **3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 1989** Subsequent to the FIR, the accused Nos. 4 to 6 were arrested on the same day. They moved bail applications in CrI..M.P.Nos.3640 and 3728 of 2024 and before the learned Judicial Magistrate, Musiri. They were arrested and remanded to custody on 09.07.2024, ever since they are in custody. The trial Court by order dated 29.07.2024, dismissed the bail applications stating that the outsiders armed with deadly weapons entered into the premises and attacked third year students namely Ragavan and Surya. Considering the gravity of the offence, the trial Court dismissed the bail applications. Against which these Criminal appeals were preferred.



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4. Notices were served upon the victims namely Ragavan and Surya they are also present before this Court. On their behalf Mr.P.Banu Prasath, learned counsel entered appearance.

5. Heard both sides.

6. From the information submitted by the victims, it is seen that trouble arose between the 1st year and 3rd year degree course students in the College. There was a clash between the two groups of people. In support of the accused in Crime No. 185 of 2024, these appellants who are the outsiders, ie., who have already completed their studies and went out of the campus, came in support of other co-accused entered into the premises and attacked the victims. It appears that both sustained injuries in the occurrence. Over which, a case in Crime No.185 of 2024 which is the present subject and Crime No.187 of 2024 were registered. The accused in Crime No.187 of 2021 moved anticipatory bail who are the victims herein in Cr.M.P.No. 3857 and 3858 of 2024 before the Principal District and Sessions Judge, Tiruchirappalli. The learned Judge granted bail to the victims herein, by making the following observation:

" Heard both sides. Records perused. On perusal of records would show that the defacto complainant is the Principal of the Arignar Anna Government Arts College, Musiri and the petitioners are the students of the college. There



was a quarrel between the 1st year and 3rd year students and the petitioners attacked the students with stone and stick and the students Deepak, Logesh and Sathiskumar sustained simple injuries. The injured were treated as an out patient in the hospital. No previous case is pending against the petitioners. A case in counter case is pending between the parties. In such circumstances, considering all those aspects, this Court is inclined to grant anticipatory bail to the petitioners in both petitions."

7. Since it is a case, case in counter, in which both sides were got injured and when the counter case accused namely the victims herein Ragavan and Surya were granted anticipatory bail, these Criminal Appeals are allowed, considering the period of incarceration. The victims were present before this Court namely Ragavan and Surya and advised to keep peace within the premises. Since the appellants herein are not studying in the college, there shall be a direction to the appellants to keep away from the occurrence place.

8. Accordingly, these Criminal Appeals are allowed and the order, dated 29.07.2024, made in CrI.M.P.Nos.3640 and 3728 of 2024 by the 1st Additional District and Sessions Judge (PCR), Tiruchirappalli, is set aside. The appellants are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned 1st Additional District and Sessions Judge (PCR), Tiruchirappalli, and on

further condition that:

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[a] the appellants shall stay at Thanjavur and appear before the learned Judicial Magistrate No.I, Thanjavur, daily at 10:30 a.m. until further orders;

[b] the appellants shall not tamper with evidence or witness either during investigation or trial;

[c] the appellants shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellants released on bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (P&A)

(*)Corrected as per the order of this Court dated. 19.08.2024.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

20/08/2024

Sub Assistant Registrar

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(*)To be substituted to the order already despatched on 16/08/2024.

To

1. The 1st Additional District and Sessions Judge (PCR),
Tiruchirappalli.
2. The Judicial Magistrate No.I,
Thanjavur.
3. The Superintendent,
Sub Jail,
Musiri.
4. The Deputy Superintendent of Police,
Trichy.
5. The Inspector of Police,
Musiri Police Station,
Trichy District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
7. The Section Officer,
Criminal Section (Records),
Madurai Bench Of Madras High Court,
Madurai. - 2 Copies.

+2 CC to M/s.K.ARUNRAJ, Advocate (SR-44035 & 44034[F] dated 16/08/2024)

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate (SR-44303[F] dated 16/08/2024)



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CrI.A(MD)Nos.665, 660 and 647 of 2024
16.08.2024

SL(16.08.2024)/ 8P/ 12C

SI -(20.08.2024) 8P/ 12C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.