



Crl.A(MD)No.687 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.687 of 2024

Jeevanantham

... Petitioner / Accused

Vs.

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

**2.The Sub Inspector of Police,
Thuvakudi Police Station,
Trichy.
Crime No.222 of 2023.**

... Respondent / Complainant

3.Rajkumar

... Respondent No.3 / Defacto complainant

Prayer : This Appeal is filed under Section 14 A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (POA), 1989, against the bail dismissal order in Crl.M.P.No.4095 of 2024 on the file of the 1st Additional District and Sessions Judge (PCR), Trichy vide order dated 03.07.2024 in Crime No.222 of 2023 on the file of the Respondent No.2.



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For appellant : Mr.R.Alagumani
For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R3 : No appearance

J U D G M E N T

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

2. This Criminal Appeal has been filed to call for the records and to set aside the dismissal order dated 03.07.2024 passed in Crl.M.P.No.4095 of 2024 by the 1st Additional District and Sessions Judge (PCR), Trichy, consequently enlarge the appellant / Accused, on bail in Crime No.222 of 2023 on the file of the respondent police.

3. The facts in brief is that the appellant is facing charges under Sections 294(b), 323, 324, 506(ii) of IPC and Section 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Amendment Act, 1989 before the trial Court in Spl.S.C.No.14 of 2024. He was appearing before the trial Court regularly. But on 02.07.2024, he could not appear before the trial Court since his



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grandmother was hospitalized. He could not inform his advocate also. So warrant was issued against him on 02.07.2024 by the trial Court. But coming to know about the issuance of warrant, he voluntarily surrendered before the trial Court. His surrender was accepted, remanded to custody but warrant recall application was dismissed. Thereafter he moved the bail application, which came to be dismissed by the trial Court. Against which this appeal is preferred.

4. Notice was issued to the defacto complainant who is also present before this Court. He made strong objection for entertaining this appeal, stating that after coming out of bail, the appellant herein was making frequent trouble.

5. Learned counsel for the appellant would submit that on the date of hearing namely 02.07.2024, due to boycott of advocates, the application under Section 317 of Cr.P.C., could not be filed. On coming to know about the issuance of warrant, he voluntarily surrendered and therefore there was no intention on his part to evade the trial process and the absence is also not of wanton, since his grandmother was hospitalized on that date.

6. With regard to the objection made by the defacto complainant,



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the learned counsel for the appellant would submit that the appellant is working in Chennai. So there is no possibility for making any trouble to the defacto complainant.

7. Per contra, the defacto complainant would submit that both are neighbours and therefore the appellant used to visit frequently and making trouble.

8. Since the trial has already commenced, no purpose is going to be served in keeping the appellant in custody. Since he voluntarily surrendered after coming to know about the issuance of warrant, which clearly shows his intention that he is not interested in dragging on the matter.

9. On that ground, the appeal is allowed and ofcourse the appellant must file an undertaking affidavit before the trial Court that he will regularly appear before the trial Court and cooperate to complete the process of trial.

10. Accordingly, this Criminal Appeal is allowed and the order, dated 03.07.2024 passed in Crl.M.P.No.4095 of 2024 by the file of the 1st Additional District and Sessions Judge (PCR), Trichy, is set aside. The



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appellant is 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:

[a] the appellant shall not tamper with evidence or witness either during investigation or trial;

[b] the appellant 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]**.

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NCC : Yes / No

Index : Yes/No

Internet : Yes/No

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Note: Issue order copy on 30.08.2024.



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G.ILANGOVAN, J.

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To

1. The 1st Additional District and Sessions Judge (PCR), Tiruchirappalli.
2. The Deputy Superintendent of Police, Thiruverumbur Sub Division, Trichy District.
3. The Sub Inspector of Police, Thuvakudi Police Station, Trichy. Crime No.222 of 2023.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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