



Crl.A(MD)No.706 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

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Muthu Perumal

... Petitioner/Accused

Vs.

1.The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District. ... 1st Respondent/Investigating Officer

2.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Thoothukudi District. ... 2nd Respondent/Complainant

3.M.Arumuga Nainar ... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes Act, 1989, as amended by Act 1 of 2016, to call for the records relating to the order passed in Crl.M.P.No.829 of 2024, on the file of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, dated 08.08.2024 and set aside the same and grant bail to the appellant.



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For appellant : Mr.R.Balakrishnan
For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R3 : Mr.S.Radhakrishnan

J U D G M E N T

Heard the learned Counsel appearing for the appellant, learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2 and the learned counsel for the third respondent.

2.This Criminal Appeal has been filed to set aside the order, dated 08.08.2024 made in Cr.M.P.No.829 of 2024 on the file of the Special Court for SC & ST Act, Thoothukudi and enlarge the appellant on bail in connection with Crime No.226 of 2024 on the file of the 2nd respondent.

3.The appellant, who was arrested and remanded to judicial custody for the offences punishable under Sections 194 BNSS @ 108, 294(b) of Bharatiya Nyaya Sanhita Act, 2023, and Sections 3(1)(s), 3(2)(v) of SC/ST (POA) Act, in Crime No.226 of 2024 on the file of the respondent police, seek appeal bail.



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WEB COPY 4. The case of the prosecution in brief:

The defacto complainant is the father of the deceased. The deceased married to Muthu Selvi and had a son. The deceased used to consume alcohol, used to come to the Village once in a month. On 26.07.2024, the deceased came to the Village and picked up quarrel with his wife. On that ground, the wife refused to open the door. The brother of Muthu Selvi alleged to have assaulted the deceased. So because of that on 27.07.2024, at about 11.00 p.m., the deceased consumed poison and died. On the basis of the above said occurrence, the defacto complainant lodged the present complaint against the wife of the deceased and her brother.

5. On the basis of the above said complaint the FIR in Crime No.226 of 2024 has been registered on the file of the second respondent police against the wife and this appellant. Both were remanded in to judicial custody. Seeking bail, the appellant moved before the Special Court in Crl.M.P.No.829 of 2024. That came to be dismissed. Against which, this criminal appeal has been preferred.



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6.Heard both sides. The defacto complainant also represented by his Advocate.

7.Perusal of CD file shows that after completing the investigation final report has been filed before the concerned Court, charge sheeting this appellant along with the wife of the deceased for the offences punishable under Sections 296(b) & 108 BNS, 2023 and Sections 3(1)(s) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989. Ever since from the date of arrest, the appellant is in custody. Since the trial is going to be commenced before the trial Court, judicial custody may not be required. No bad antecedents also reported against this appellant. On that ground, this Court is inclined to allow this appeal and grant bail to the appellant with certain conditions.

8.Accordingly, the Criminal Appeal is allowed and the order dated 08.08.2024 made in Cr.M.P.No.829 of 2024 on the file of the Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, is hereby set aside. The 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 Sessions



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and on further condition that:

[a] the appellant shall appear before the concerned court, daily at 10:30 a.m. until further orders;

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

[c] 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 appellant 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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Index : Yes/No

Internet : Yes/No

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To

1.The Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

2.The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.

3.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Thoothukudi District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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