



Crl.A(MD). No.709 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 05.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CRL A(MD). No.709 of 2024

Vishnuvaran

... Appellant/Petitioner/
/first Accused

Vs

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.

2.The Inspector of Police,
Tamil University Police Station
Thanjavur District.

...1st and 2nd Respondents/
Complainant

3.Muruganantham

... 3rd Respondent/De-facto
Complainant

PRAYER:This Criminal Appeal is filed under Section 14-A(2) of SC/ST Act, praying to set aside the order dated 19.08.2024 made in Crl.M.P.No. 814 of 2024 on the file of the learned I Additional District and Sessions Judge(PCR), Thanjavur, in connection with Cr.No.327 of 2024 on the file of the 2nd respondent police and enlarge the appellant on bail.



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For Appellant : Mr.K.M.Karunakaran
For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)

JUDGMENT

This criminal appeal is filed to set aside the order, dated 19.08.2024 made in Crl.M.P.No.814 of 2024 on the file of the learned I Additional District and Sessions Judge(PCR), Thanjavur, in connection with Cr.No.327 of 2024 on the file of the second respondent police and enlarge the appellant on bail.

2.Heard the learned counsel for the appellant and the learned Government Advocate(Crl.side).

3.The case of the prosecution is that there was a quarrel between the de-facto complainant's son Srimadhan with his classmate on previous occasions. At the time of quarrel, the petitioner/accused alleged to have abused him with his caste name. On 23.07.2024, at about 09.00 p.m., the de-facto complainant's son went to the shop and at that time, the accused along with others again picked up quarrel and attacked him with knife, sickle and scolded him by calling his caste name and caused



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injury. Hence, he lodged a complaint. Based on the complaint, a case has been registered against the appellant in Crime No.327 of 2024 for the alleged offence punishable under Sections 126, 296, 118 BNS r/w Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act.

4. According to the appellant, the appellant was arrested and remained in judicial custody from 24.07.2024. Further, the appellant had already filed a bail petition before the I Additional District and Sessions Judge(PCR), Thanjavur, in Crl.M.P.No.814 of 2024 and the same was dismissed stating that the investigation is not yet completed and other accused persons are yet to be secured. Against which, the present appeal is filed.

5. Notice to the de-facto complainant has been served. Today the de-facto complainant appeared before this Court.

6. The learned counsel for the appellant would submit that it is a case and counter. In respect of the counter case, a case in Crime No.326 of 2024 was registered for the offence under Sections 126, 296, 131 and



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351(3) of BNS, 2023, on 23.07.2024. A reading of the FIR in the counter case shows that it is a group clash between two groups of people, in which both sides enraged and assaulted each other and got injured. Further, the de-facto complainant submitted that still his son is suffering from pain due to the injuries sustained by him in the group clash. It may not be taken into account for rejecting the appeal.

7. In view of the above, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 19.08.2024 made in Crl.M.P.No. 814 of 2024 on the file of the learned I Additional District and Sessions Judge(PCR), Thanjavur District.

8. Accordingly, the Criminal Appeal is allowed and the order dated 19.08.2024 made in Crl.M.P.No.814 of 2024 on the file of the learned I Additional District and Sessions Judge(PCR), Thanjavur District, is set aside. The appellant is ordered to be released on bail on her 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 I Additional District and Sessions Judge(PCR), Thanjavur District and on further



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conditions that:

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[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall report before the respondent police daily at 10:30 a.m., until further orders.

[c]the appellant shall not tamper with evidence or witness either during investigation or trial.

[d]the appellant shall co-operate with the investigation.

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/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 learned Sessions Judge/Trial Court 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.

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Index:Yes/No
Internet:Yes/No
Ns

5/6



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**G.ILANGOAN,J
Ns**

To:

1. The I Additional District and
Sessions Judge(PCR),
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Tamil University Police Station
Thanjavur District.
- 4.Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER IN
CRL A(MD). No.709 of 2024**

Date : 05.09.2024