



Crl.A(MD)No.834 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.834 of 2024

Mohandass

... Appellant/Petitioner/Accused No.1

Vs.

1.State represented by its

**The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.**

2.The Inspector of Police,

**Manamadurai Police Station,
Sivagangai District.**

(Crime No.320 of 2024) ... Respondents/Respondents/Complaint

3.Rajam

... Respondent/Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (POA) Act, 2015 r/w Section 382 of Cr.P.C., to set aside the order passed in Crl.M.P.No.1357 of 2024, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, dated 10.09.2024 and consequently, enlarge the appellant on bail in Crime No.320 of 2024, on the file of the respondent police.



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For appellant : Mr.RM.Arun Swaminathan
For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R3 : Mr.K.C.Ramalingam

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 10.09.2024 made in Cr.M.P.No.1357 of 2024 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai and enlarge the appellant on bail in connection with Crime No. 320 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 296(b), 115(2), 351(3) BNS and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, in Crime No.320 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 petitioner namely the appellant herein alleged to have trespassed into the land of the defacto complainant and tried to lay pipeline. When that was objected by the defacto complainant, the appellant alleged to have assaulted the defacto complainant, abusing in filthy language. Over which complaint was lodged by the defacto complainant.

5.On the basis of the above said complaint the FIR in Crime No.320 of 2024 has been registered on the file of the second respondent police against this appellant. He was remanded in to judicial custody. Seeking bail, the appellant moved before the Special Court in Crl.M.P.No.1357 of 2024. That came to be dismissed. Against which, this criminal appeal has been preferred.

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

7.It is fairly admitted that because of the land dispute between the defacto complainant and the appellant herein, trouble arose on particular date.



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Even though it has been stated that the appellant assaulted the defacto complainant and caused injury, it is submitted that no external injuries were present. Ever since from the date of arrest, he is in judicial custody. Since most part of the investigation might to have been over by this time, the judicial custody may not be required. 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 10.09.2024 made in Cr.M.P.No.1357 of 2024 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, 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 Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, and on further condition that:

[a] the appellant shall file an undertaking affidavit after releasing from Prison, to the effect that he will not make any trouble to the defacto complainant in future;

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

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



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[d] the appellant shall not abscond either during investigation or trial;

[e] 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 Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

2.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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



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G.ILANGO VAN,J.

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