



Crl.A(MD)No.1066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated	17.12.2024
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CORAM

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

CRL.A.(MD)No.1066 of 2024

D.Vijayagopal

... Appellant

vs.

1.State of Tamilnadu rep by
The Deputy Superintendent of Police,
Thiruvaiyaru
Thanjavur District.

2.The Inspector of Police,
Maruvur Police Station,
Thanjavur District.

3.R.Manonmani

... Respondents

PRAYER: Criminal Appeal filed under Section 14 A (2) of SC/ST Prevention of Atrocities Act 1989, to to allow this appeal and set aside the order in Crl.M.P.No.1150 of 2024, passed on 07.11.2024, passed by the learned 1st Additional District and Sessions Juge, (PCR) Thanjavur and enlarge the petitioner on bail in Crime No.47 of 2024 on the file of the 2nd respondent.



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For Appellant :Mr.M.Marimahesh

For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)
for R1 to R2

: Mr.R.Govindaraj for R3

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order passed in Crl.M.P.No.1150 of 2024 dated 07.11.2024, on the file of the I Additional District and Sessions Court (PCR Act), Thanjavur District, and enlarge the appellant on bail in connection with Crime No.47 of 2024, on the file of the second respondent police.

2.1. According to the prosecution, the appellant is said to have committed the offences under Sections 420, 294(b) and 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989.



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2.2. According to the prosecution, on 03.08.2022 the *defacto* complainant pledged 4 ½ sovereigns of gold chain with the appellant for a sum of Rs.1,00,000/- and even after repayment of interest with principal amount within a month and on handing over the receipt issued for pledge, the appellant did not return the jewel stating that it is kept in bank and he will get back and hand over the same. In spite of the repeated demand, the appellant gave evasive reply on 08.08.2023 at 10.00 am. Thereafter, when she again demanded her jewels the appellant abused the *defacto* complainant with her caste name and obscene words and threatened her. Thereafter, the *defacto* complainant has given the complaint to the second respondent. The second respondent Police registered a case in Crime No.47 of 2024 against the appellant, for the alleged offences punishable under Sections 420, 294(b) and 506(i) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989. Thereafter, the appellant was arrested and remanded on 27.10.2024. Hence, he filed a petition for bail in



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Cr.M.P.No.1150 of 2024 and the same was dismissed by the I Additional District & Sessions Court (PCR Cases), Thanjavur, on 07.11.2024. Challenging the same, the appellant has preferred this Criminal appeal.

3. The learned counsel for the appellant submitted that there is a civil dispute pending between the parties. The appellant is not involved in the alleged occurrence as stated in the complaint, he was falsely implicated in this case. Further, the appellant was arrested and confined at prison on 27.10.2024. Hence, he seeks for bail.

4.The learned counsel for the *defacto* complainant vehemently opposed to release the appellant on bail. Further he would submit that the pendency of civil suit is not a ground to grant bail. Further, the charges were framed against the appellant. Further, there is a threat on the *defacto* complainant. Hence, he seeks for dismissal of this appeal.



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5. The learned Government Advocate (Criminal Side) reiterated the submission made by the learned counsel appearing for the defacto complainant and submitted that there was a specific averment in the complaint relating to the abuse of the caste name. Further, the investigation is also completed. Therefore, he seeks to confirm the dismissal order passed by the Court below.

6. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. Considering the overall circumstances, there is a civil dispute pending between the parties. Further, the investigation is also completed and the period of incarceration of the appellant from 27.10.2024 in Sub Jail, Thanjavur and the appellant having no previous antecedents and no case of communal tension was



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pleaded by the prosecution, this Court is inclined to allow this Criminal Appeal by setting aside the order, dated 07.11.2024 made in Cr.M.P.No.1150 of 2024, on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur.

8. Accordingly, this Criminal Appeal is allowed and the order dated 07.11.2024 made in Cr.M.P.No.1150 of 2024 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur is hereby set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the I Additional District and Sessions Court (PCR), Thanjavur and on further conditions that:

a)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the I Additional District and Sessions Court (PCR), Thanjavur, may obtain a copy of their valid identity card to ensure their identity;



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b)The appellant shall report before the I Additional District and Sessions Court (PCR), Thanjavur, daily at 10.30 am, until further orders.

c)the appellant is directed to appear before the I Additional District and Sessions Court (PCR), Thanjavur on the date of hearing and except for that purpose, he is strictly instructed not to enter into the place till the disposal of the trial;

d)the appellant shall not tamper with evidence or witness either during investigation or trial;

e)the appellant shall co-operate with the investigation;

f)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions



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have been imposed and the appellant was released in bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]*; and

g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

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Index :Yes / No
Internet :Yes / No
NCC :Yes / No
sbn



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To
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- 1.The I Additional District and Sessions Court,
PCR Cases, Thanjavur.
2. The Jailer,
Sub Jail,
Thanjavur.
- 3.The Deputy Superintendent of Police,
Thiruvaiyaru
Thanjavur District.
- 4.The Inspector of Police,
Maruvur Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Record Section (Criminal)
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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