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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.12.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD)No.1091 of 2024

1.Nagu Reddy

2.Guruvammal

3.Seenivasan ...Appellants

Vs.

1.The State represented through,
The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.

2.The Sub Inspector of Police,
Kazhugumalai Police Station,
Thoothukudi District,
(Crime No.183 of 2024)

3.Subramanian ...Respondents

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the SC/ST Prevention of Atrocities Act, 2015 to modify the condition imposed upon the petitioners that to direct the petitioners to appear before the second respondent police station instead of appearing before the Sessions Court for exclusive trial of PCR Act Cases, Thoothukudi in

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Crl.M.P.No.1291 of 2024 dated 28.11.2024 on the file of the Sessions Court for exclusive trial of PCR Act Cases, Thoothukudi.

For Appellants : Mr.M.Prabu
For Respondents : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)
for R1 & R2

* * * * *

JUDGMENT

The appellants herein are the accused Nos.1 to 3 in Crime No.183 of 2024, on the file of the Sub Inspector of Police, Kazhugumalai Police Station, Thoothukudi District, have filed the appeal before this Court to modify the condition imposed upon the appellants to appear before the second respondent police station instead of appearing before the Sessions Court for exclusive trial of PCR Act Cases, Thoothukudi in Crl.M.P.No.1291 of 2024 dated 28.11.2024 on the file of the Sessions Court for exclusive trial of PCR Act Cases, Thoothukudi.

2.The appellants are arrayed as Accused Nos.1 to 3 in Crime No. 183 of 2024 on the file of the second respondent Police. They said to have committed the offence under Sections 296(b), 351(2) of BNS Act, and

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Section 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989.

3.The case of the prosecution is that, on 16.07.2024, between 10.00 and 11.00 a.m., the appellants came to K.Velayuthapuram to ask for the allocation of pathway from the third respondent. The third respondent refused to allocate the pathway to the first appellant. Therefore, the first appellant along with the other appellants, intimidated the third respondent/defacto complainant specified his caste name and further threatened to kill him. Therefore, the *defacto* complainant gave a complaint to the second respondent. On the basis of the complaint given by the *defacto* complainant, the second respondent police registered a case in Crime No.183 of 2024 and arrested the appellants/accused by the second respondent police under Sections 296(b), 351(2) of BNS Act, and Section 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989.

4.The Appellants have filed the bail petition before the Sessions Sessions Court for exclusive trial of PCR Act cases, Thoothukudi, and

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the same allowed by the impugned order dated 28.11.2024, with the following conditions:-

1.மனுதாரர்கள்/1 முதல் 3 எதிரிக்ள தங்கள் சார்பாக தலா ரூ.10000 ற்கும் மனுதாரர்கள்/1 முதல் 3 எதிரிகள் சார்பாக தலா இரு நபர்கள் தலா ரூ.10000 *ற்கும் பிணைமுறி இயற்றி தரவேண்டும்.*

மனுதாரர்கள் /1 முதல் 3 எதிரிகள் சார்பாக பிணைமுறி இயற்றி தரும் பிணையதாரர்கள் இருவரும் தங்களது புகைப்படங்களை பிணைப்பத்திரத்தில் ஒட்ட வேண்டும் மற்றும் தங்களது இடதுகை பெருவிரல் ரேகையை பிணைப்பத்திரத்தில் இடவேண்டும்.

3.மனுதாரர்கள் /1 முதல் 3 எதிரிகள் தங்களது வசிப்பிடத்தை உறுதி செய்ய தங்களது வாக்காளர் அடையாள அட்டை அல்லது குடம்ப அட்டையின் நிழற்பட நகலை ஆஜர் செய்ய வேண்டும்.

4.பிணையதாரர்கள் இருவரும் அவர்களது அடையாளத்தை உறுதி செய்ய அவர்களுக்குரிய ஆதார் அட்டை அல்லது வங்கி கணக்கு பாஸ்புத்தகத்தின் நகலை ஆஜர் செய்ய வேண்டும்.

5.பிணையில் வந்த பின்னர் மனுதாரர்கள் /1 முதல் 3 எதிரிகள் மறுஉத்தரவு பிறப்பிக்கும் வரை இந்நீதிமன்றத்தில் ஆஜராகி அனைத்து நாட்களிலும் தினமும் காலை 10.30 மணிக்கு கையொப்பம் செய்ய வேண்டும்

6.மனுதாரர்கள்/1 முதல் 3 எதிரிகள் மீண்டும் இதுபோன்ற குற்றச்செயலில் ஈடுபட கூடாது.

7.வழக்கு விசாரணை முடியும் வரை

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மனுதாரர்கள் 1 முதல் 3 எதிரிகள் தலைமளைவாகக் கூடாது.

8.மனுதாரர்கள் 1 முதல் 3 எதிரிகள் சாட்சிகளையும் சாட்சியங்களையும் கலைக்க முற்படக் கூடாது.

Challenging the conditions imposed on the appellants in Crl.MP.No. 1291 of 2024, by the learned Sessions Judge (PCR), Thoothukudi, dated 28.11.2024, the appellants filed this appeal.

5.The learned Counsel appearing for the appellants would submit that the appellants are daily wages and as per the order of the trial Court, the appellants have to travel daily more than 200 kms. Further he would submit that the second appellant is a woman and aged about 50 years and also suffering with knee pain. Therefore, she is unable to travel with her poor health condition from Kazhugumalai to Thoothukudi. He would further submit that the appellants are complying with the conditions imposed by the trial Court regularly. Hence, he seeks to allow this appeal.

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6.The learned counsel appearing for the third respondent/defacto complainant has raised serious objections to modify the above said condition. Hence, he seeks to dismiss this appeal.

7.The learned Government Advocate (Crl.side) appearing for the respondents police would submit that investigation has been completed and the appellants are complying with the conditions imposed by the trial Court regularly. Hence, he has no objection to allow this appeal.

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

9.Considering the submission of the learned Counsel for the appellants that the appellants are working as daily labours and as per the condition imposed by the trial Court, the appellants have to travel daily more than 200 kms. Further, he would submit that the second appellant is a woman and aged about 50 years and also suffering with knee pain, but, still they are complying with the conditions imposed by

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the trial Court regularly without fail and the investigation has almost completed, this Court is inclined to set aside the conditions imposed against the appellants by the learned Sessions Judge for exclusive trial of PCR Act cases, Thoothukudi in Crl.M.P.No.1291 of 2024 dated 28.11.2024.

10.Accordingly, this Criminal Appeal is allowed setting aside the conditions imposed against the appellants in Crl.M.P.No.1291 of 2024 dated 28.11.2024, by the learned Sessions Judge for exclusive trial of PCR Act, Cases, Thoothukudi. Further, the appellants are directed to report before the second respondent police and the trial Court as and when required.

20.12.2024

NCC : Yes / No
Index :Yes / No
Internet :Yes / No
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To

1.The Sessions Court (PCR),
Thoothukudi District.

2.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.

3.The Sub Inspector of Police,
Kazhugumalai Police Station,
Thoothukudi District.

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

5.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN, J.

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