



Crl.A(MD)No.1113 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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- 1.K.Sathish
- 2.K.Marudhu Pandiyan
- 3.S.Karthick @ Karthikeyan
- 4.S.Stalin
- 5.M.Vairayi Mookan @ Muthukrishnan
- 6.M.Vijayan
- 7.P.Prakash
- 8.G.Venkatesh @ Venkatesan
- 9.V.Sindhu
- 10.C.Prabhakaran
- 11.S.Oonthatchi
- 12.S.Pitchaimani
- 13.S.Sivakumar
- 14.S.Sudha
- 15.R.Meena

...Appellants

Vs.

- 1.The State represented by its
The Deputy Superintendent of Police,
Lalgudi Sub Division,
Trichy District.
- 2.The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy District.
(Crime No.153 of 2024)



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3.Saraswathi

...Respondents

Prayer : This Criminal Appeal is filed under Section 14A of the SC/ST Prevention of Atrocities Act, to set aside the condition imposed against the appellants in Crl.M.P.No.6400 of 2024 dated 22.11.2024, on the file of the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli, to appear before the Inspector of Police, Thokur Police Station daily at 10.00 a.m until further orders and allow this appeal.

For Appellants	: Mr.V.Rajiv Rufus
For Respondents	: Mr.M.Sakthi Kumar
	Government Advocate(Crl.Side)
	for R1 & R2
	Mr.S.Balaji (for R3)

* * * * *

JUDGMENT

Today(20.12.2024), this matter is came for hearing under the caption for clarification.

2.This appeal has been filed to set aside the condition imposed against the appellants in Crl.M.P.No.6400 of 2024 dated 22.11.2024, on the file of the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli, to appear before the Inspector of Police, Thokur Police



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Station daily at 10.00 a.m until further orders.

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3.The appellants are arrayed as Accused Nos.1 to 9 and 13 to 18, in Crime No.153 of 2024 on the file of the second respondent Police. He is said to have committed the offence under Sections 191(2), 329(4), 296(b), 115(2), 324(4) and Section 351(2) of BNS 2023 r/w Sections 3(1)(r), 3(1)(s), 3(1)(d), 3(1)(z) and 3(2)(va) of the SC/ST (POA) Amendment Act, 1989.

4.The case of the prosecution is that on 26.09.2024 at about 02.00 p.m., when the younger son of the third respondent/ *defacto* complainant was returning home, at that time, the appellants and other accused persons said to waylaid him and said to have assaulted him and also assaulted the elder son of the *defacto* complainant. Thereafter, the appellants and other accused persons said to have trespassed into the house of the *defacto* complainant and removed the saree of the *defacto* complainant and pulled her hair and abused her with the caste name and threatened her with dire consequences and also stolen the two wheeler. Therefore, the *defacto* complainant gave a complaint to the second respondent. On the basis of the complaint given by the *defacto*



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complainant, the second respondent police registered a case in Crime No.153 of 2024 and arrested the appellants/accused by the second respondent police under Sections 191(2), 329(4), 296(b), 115(2), 324(4) and Section 351(2) of BNS 2023 r/w Sections 3(1)(r), 3(1)(s), 3(1)(d), 3(1)(z) and 3(2)(va) of the SC/ST (POA) Amendment Act, 1989.

5.The Appellants have filed the bail petition before the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli, and the same allowed by the impugned order dated 22.11.2024, with the following conditions:-

9.In the result, this petition is allowed with the following conditions:

a)The petitioners/accused are ordered to be released on bail on their executing bond for Rs. 25,000/- along with each two sureties under Form No. 46 to the satisfaction of this Court.

b)The petitioners/accused should appear and sign before the Inspector of Police, Thokur Police Station, daily at 10.00 a.m., until further orders

c)The petitioners/accused shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as



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to dissuade them from disclosing such facts to any police officer.

d)The petitioners/accused shall not directly or indirectly make any threat to the defacto complainant/victim in any manner.

e)The petitioners/accused shall be available for interrogation by the Police and not to be tampered with evidence or witness.

f)If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

Challenging the conditions imposed on the appellants in Crl.MP.No. 6400 of 2023, by the First Additional District and Sessions Judge (PCR), Tiruchirappalli, dated 22.11.2024, the appellants filed this appeal.

6.The learned Counsel appearing for the appellants would submit that the appellants are working as agriculture daily labours and they have to travel around 100 kms (up and down) daily to the said Thokur Police Station to sign for comply the condition. Due to which, they spent huge money for travelling to appear before the said Thogur Police Station. He would further submit that the appellants are complying with



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the conditions imposed by the trial Court regularly. Hence, he seeks to allow this appeal.

7.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.

8.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.

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

10.Considering the submission of the learned Counsel for the appellants that the appellants are working as agriculture daily labours and no one injured in the present case and they are complying with the



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conditions imposed by the trial Court regularly without fail and the investigation has been completed, this Court is inclined to set aside the conditions imposed against the appellants by the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli, in Crl.M.P.No.6400 of 2024, dated 22.11.2024.

11.Accordingly, this Criminal Appeal is allowed setting aside the conditions imposed against the appellants in Crl.M.P.No.6400 of 2024 dated 22.11.2024, by the learned First Additional District and Sessions Judge (PCR), Tiruchirappalli. 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
sbn



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- 1.The learned First Additional District
and Sessions Judge (PCR),
Tiruchirappalli.
- 2.The Deputy Superintendent of Police,
Lalgudi Sub Division,
Trichy District.
- 3.The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy 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.

vsg/ sbn

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