



CRL.A(MD)No.1118 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

CRL.A(MD)No.1118 of 2023

Pothiraja

.. Appellant/Petitioner

Vs.

1. The State Rep by,

The Deputy Superintendent of Police,
Samayanallur Sub Division,
Madurai District.

2. The State through

The Inspector of Police,
Kadupatti Police Station,
Madurai District.

(Crime No.161 of 2023)

.. Respondents 1 & 2/ Respondents

3.Karuthapandi

.. 3rd Respondent/ *De-facto*
Complainant



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Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the Schedule Castes and Tribes Prevention of Atrocities Act, 2015 (Amended by Act 1 of 2016), to call for the records relating to the order passed in Cr.M.P.No.3344 of 2023 on the file of the III Additional District and Sessions Judge (PCR), Madurai (FAC), dated 24.11.2023 and set aside the same by release the appellant on bail by allowing the Criminal Appeal.

For Appellant : Ms.M.Sudharani
For Respondents : Mr.A.Thiruvadi Kumar – for R1 & R2
Additional Public Prosecutor
No Appearance – for R3

JUDGMENT

This Criminal Appeal has been filed to call for the records relating to the order, dated 24.11.2023 passed in Cr.M.P.No.3344 of 2023 on the file of the III Additional District and Sessions Judge (PCR), Madurai (FAC), dated 24.11.2023 and to set aside the same.



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2. The case of the prosecution is that on 11.10.2023 at about 6.15 p.m., when the de-facto complainant was sitting in the petty shop, the appellant/ accused came there and scolded the third respondent/de-facto complainant with filthy language and abused him with the name of his caste and also thrown a stone on the legs of the de-facto complainant. Further, the appellant alleged to have caused injury to one Vijayalakshmi, who is the younger daughter of the de-facto complainant. He sustained injuries in the said attack, hence, the complaint.

3. Learned counsel for the appellant would submit that the appellant has been falsely implicated in this case and he is innocent and has not committed any offence as alleged by the prosecution. He would further submit that the appellant is the daily wage labour and he is in judicial custody from 01.11.2023 onwards.

4. The appellant moved bail application before the learned
III Additional District and Sessions Judge (PCR), Madurai, in



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Cr.M.P.No.3344 of 2023 and the same was dismissed on 24.11.2023, on the ground that due to the injury caused by the appellant, the de-facto complainant could not able to walk.

5. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the occurrence took place on 11.10.2023 and the injured had already been discharged from hospital on 31.10.2023 and charge sheet was also filed on 07.12.2023.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the above facts and circumstances of the case and also the duration of his incarceration i.e., from 01.11.2023, this Court is inclined to allow the Criminal Appeal, by setting aside the order dated 24.11.2023 made in Cr.M.P.No.3344 of 2023 passed by the learned III Additional District and Sessions Judge (PCR),



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Madurai.

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8. Accordingly, the Criminal Appeal is allowed and the order dated 24.11.2023 made in Cr.M.P.No.3344 of 2023 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai (FAC), is set aside. The appellant is ordered to be released on bail, subject to the following conditions:

[a] The appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge (PCR), Madurai;

[b] The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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[c] The petitioner shall appear and sign before the learned III Additional District and Sessions Judge (PCR), Madurai, on the first working day of every English calendar month at 10.30 a.m., until further orders;

[d] In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day;

[e] The appellant shall not tamper with evidence or witness either during investigation or trial;

[f] The appellant shall cooperate with the investigation;

[g] 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



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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]***; and

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

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

RM



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- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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To

- 1.The III Additional District and Sessions Judge (PCR),
Madurai.
- 2.The Deputy Superintendent of Police,
Samayanallur Sub Division,
Madurai District.
- 3.The Inspector of Police,
Kadupatti Police Station,
Madurai 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.

Copy to:

The Sub Jail,
Usilampatti.



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VIVEK KUMAR SINGH, J.

RM

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