



Crl.A.(MD)No.449 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.449 of 2024

Maharajan

... Appellant

versus

1. The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.

3. Bharathiraja

... Respondents

Appeal filed under Section 14(A)(2) of SC/ST (POA) Act, 2015 as amended by Act 1 of 2016, to call for the records pertaining to the impugned order dated 30.04.2024 passed by the learned III Additional Sessions Judge, PCR Court, Madurai, in Crime No.96 of 2024, on the file of the respondent Police.

For Appellant : Mr.M.Sridhar

For R1 and R2 : Mr.A.S.Abul Kalam Azad
Government Advocate



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For R3

: Mr.Aairam K.Selvakumar

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JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned III Additional Sessions Judge, PCR Court, Madurai, in Crime No.96 of 2024, on the file of the respondent Police, dated 30.04.2024.

2. The case of the appellant is that the learned III Additional Sessions Judge (PCR Court), Madurai, by applying the principles laid down by the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar and another*, reported in **(2014) 8 S.C.R. 128, dated 02.07.2014**, has released the 3rd respondent/accused, without even issuing any notice to the defacto complainant and therefore, the order passed by the learned Judge on 30.04.2024 is liable to be set aside.

3. When this appeal was taken up for hearing, a repersentation has been made by the previous counsel for the appellant that he has returned the papers and a new counsel has entered appearance. Mr.M.Sridhar, learned counsel, who entered appearance for the appellant, submits that he is not



pressing this appeal. He further submits that the matter has been amicably settled between the appellant and the 3rd respondent/accused.

4. The learned counsel for the 3rd respondent/accused submits that there is no specific allegation as against the 3rd respondent/accused in the complaint. He further submits that the 3rd respondent/accused was attacked with epilepsy at the time of remand and therefore, he was admitted in a Hospital. Considering his health condition only, the trial Court has granted bail to the 3rd respondent/accused. He also confirms that the issue between the appellant and the 3rd respondent/accused has been amicably resolved by the Villagers.

5. This Court considered the rival submissions made.

6. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is a Special Act, which has been enacted in order to safeguard the people belonging to the Scheduled Caste and Scheduled Tribe from harassment and to prevent atrocities and hate crimes against them. The Act itself provides certain conditions in entertaining the bail application.



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Section 18 of the Act prohibits anticipatory bail to a person involving in commission of offence under the Act. Section 15(a) of the Act mandates the concerned Court to issue notice before granting bail. It is seen that the provision under Section 15(a) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has not been complied with by the learned Judge, while passing the order, dated 30.04.2024.

7. Now, it is submitted that the issue between the appellant and the 3rd respondent/accused has been amicably resolved by the villagers. Considering the fact that harmony in the village has to be maintained, this Court is not inclined to proceed further in this appeal. Accordingly, this Criminal Appeal is closed. The learned Judicial Magistrates and learned Sessions Judges are cautioned that they must be careful in dealing with these type of matters in future.

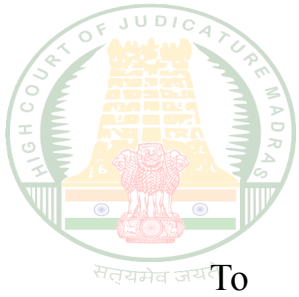
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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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1. The Deputy Superintendent of Police,
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Madurai District.
2. The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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