

Crl. A.(MD)No.645 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 23.06.2025

CORAM

THE HONOURABLE MR. JUSTICE R.N.MANJULA

Crl. A.(MD)No.645 of 2025

1.Maniram
2.Mathavan

... Appellants/A1 & A2

Vs.

1.State of Tamilnadu
Rep. by The Deputy Superintendent of Police,
Alangulam, Tenkasi District.

2.State of Tamilnadu
Rep. by The Inspector of Police,
Alwarkuruchi Police Station,
Tenkasi District.
(Crime No.198 of 2025)

3.Muthukumar

... Respondents

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (PoA) Act to set aside the order dated 05.06.2025 in Cr.M.P.No.1398 of 2025 on the file of the learned Principal Sessions Judge (PCR), Tenkasi and enlarge the appellants on bail.



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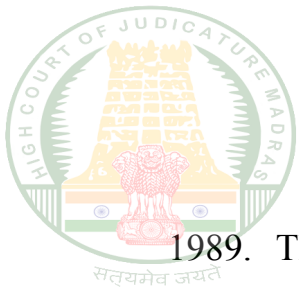
For Appellant : Mr.M.Perumal
For R1 & R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
For R3 : No appearance

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned Principal Sessions Judge (PCR), Tenkasi in Cr.M.P.No.1398 of 2025 dated 05.06.2025.

2. The appellants are A1 and A2, who were arrested and remanded to judicial custody on 30.05.2025.

3. The case of the prosecution is that on 30.05.2025, the appellants waylaid the defacto complainant and abused him in filthy language by using his caste name and attacked him with iron pipe and caused injuries. On the complainant lodged by the third respondent / defacto complainant, the second respondent registered a case in Crime No.198 of 2025 of Alwarkurichy Police Station for the offences punishable under Sections 126(2), 296(b), 118(1) and 351(3) of BNS, 2023 and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act,



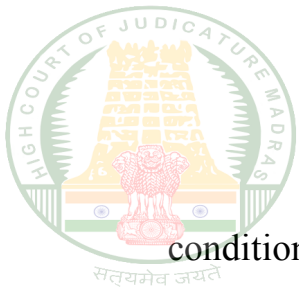
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1989. The bail application filed by the appellants was dismissed by the Trial Court. Hence, this appeal has been preferred challenging the same.

4. Mr.M.Perumal, learned counsel appearing for the appellants submitted that the civil dispute between the appellants and the defacto complainant has been exaggerated into a criminal case and the injured has been discharged from the Hospital. He further submitted that the accused are ready to furnish sureties and co-operate for investigation by making their appearance as and when required.

5. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) submitted that A2 has got three previous cases and if the accused are released on bail, there is every possibility for absconding.

6. On perusal of the previous cases against A2, it is seen that all the cases have the uniform provision 294(b) along with other penal provisions. The appellants have been remanded on 30.05.2025 and they have been in prison for nearly three weeks. The injured is said to have got discharged from the hospital. The appellants are said to be permanent residents of the address mentioned by them and they are also willing to furnish sureties and comply the



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conditions. It appears that the statement of the injured witnesses has already been obtained. As the material part of the investigation is completed and the injured was also discharged from hospital, I feel in the interest of justice, by taking into consideration of the incarceration already suffered by the petitioners, they may be released on bail on certain stringent conditions.

7. Accordingly, this Criminal Appeal is allowed by setting aside the order, dated 05.06.2025 in Crl.M.P.No.1398 of 2025 on the file of the learned Principal Sessions Judge (PCR), Tenkasi. The appellants are ordered to be released on bail on them executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge (PCR), Tenkasi, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellants shall stay at Tirunelveli District and appear and sign before the Tirunelveli Town Police Station daily at 10.00 a.m., until further orders.



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[c]the appellants shall not tamper with evidence or witness either during investigation or trial and they shall not involve in similar type of offences during the bail period.

[d]the appellants shall co-operate with the investigation.

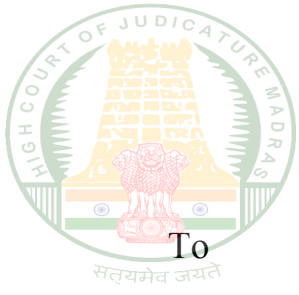
[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

23.06.2025

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

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To

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- 1.The Deputy Superintendent of Police,
Alangulam, Tenkasi District.
- 2.The Inspector of Police,
Alwarkuruchi Police Station,
Tenkasi District.
- 3.The Principal Sessions Judge (PCR),
Tenkasi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.

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