



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 31.08.2020

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.257 of 2020

1.Vinoth
2.Palani

... Appellants / Accused No.1 and 2

Vs.

1.State rep.by

The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukkottai District.

2.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(Crime No.195 of 2020)

... Respondents 1&2/ Complainant

3.Murugesan

... 3rd Respondent /Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14-A (2) of the Scheduled Caste/Scheduled Tribes Act, 1989, as amended by Act 1 of 2016, to call for the records pertaining to the order dated 05.08.2020 made in Cr.M.P.No.315 of 2020 on the file of the learned Sessions Judge, (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Pudukkottai and to set aside the same and enlarge the appellants on bail in connection with Crime No.195 of 2020 on the file of the second respondent police by allowing this Criminal Appeal.

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| For Appellants | : Mr.K.Baalasundharam |
| For R- 1 and R-2 | : Mrs.Anandha Devi Government Advocate |

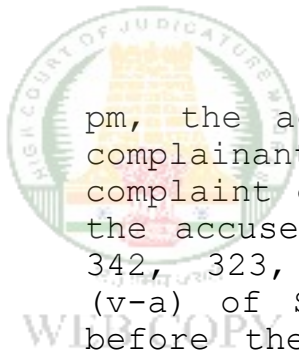
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| For R-3 | : No appearance |
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JUDGMENT

Heard learned counsel appearing for the appellants and the learned Government Advocate appearing for the respondents 1 and 2. Though notice was served, none appears for the defacto complainant / third respondent.

2. This appeal has been filed against the order, dated 05.08.2020 made in Cr.M.P.No.315 of 2020 on the file of the learned Sessions Judge, (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Pudukkottai, and enlarge the appellants on bail.

3. The allegation levelled against the appellants is that there is a dispute between the defacto complainant and the accused regarding the usage of slippers. While walking inside field of the defacto complainant with that motive on 21.07.2020, at about 02.00



pm, the accused came in a two wheeler and attacked the defacto complainant and threatened him with dire consequences. On the complaint of the defacto complainant, a case was registered against the accused in Crime No. 195 of 2020, under Sections 294(b), 341, 342, 323, 506(i) of I.P.C. and Section 3(1)(r), 3(1)(s), 3(2)(v-a) of SC/ST Act, 1989. The appellants filed a bail petition before the learned Sessions Judge, (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Pudukkottai, in Cr.M.P.No.315 of 2020. That petition was dismissed by the trial Court. Against which, the appellants preferred this Criminal Appeal.

4. On the side of the appellants, it is stated that there is no injury to the defacto complainant and the defacto complainant was discharged from the hospital. The second appellant is studying in the college doing fourth year. The appellants are in judicial custody for the past 40 days and prayed the appeal to be allowed.

5. On the side of the prosecution, it is stated that the injuries are simple in nature and admitted that the defacto complainant was discharged from the hospital.

6. In view of the above facts and circumstances of case and considering the period of incarceration and also considering the the nature of offence, this Court is inclined to set aside the order, dated 05.08.2020 made in Cr.M.P.No.315 of 2020 on the file of the learned Sessions Judge, (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Pudukkottai.

7. Accordingly, this Criminal Appeal is allowed and the order passed by the learned Sessions Judge, (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Pudukkottai, made in Cr.M.P.No.315 of 2020, dated 05.08.2020, is set aside and the appellants are ordered to be enlarged on bail on the following conditions:

(i)The appellants shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum, to the satisfaction of the learned Sessions Judge, (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Pudukkottai.

(ii)The appellants shall sign before the respondent Police daily twice at 10.00 a.m and 05.30 p.m until further orders and shall not leave the District of Pudukkottai without prior permission of the Investigation Officer.

(iii) the appellants shall not tamper with evidence or witness either during investigation or trial.



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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Sessions Judge,
(Additional Incharge) SC/ST (POA) Act,
Special Court, Pudukkottai.
2. The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukkottai District.
- 3.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Officer incharge,
District Prison,
Pudukkottai

Crl.A. (MD)No.257 of 2020
31.08.2020

KK(01.09.2020) 3P 6C