

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Criminal Appeal No.314 of 2017

D.Dineshkumar

.. Appellant

Vs

State rep. By
Inspector of Police,
Bhavani Police Station,
Erode District
Crime No.185 of 2016

.. Respondent

Prayer:- Criminal Appeal filed under Section 14-A of S.C.S.T. Act (Prevention of Atrocities Amendment Act 2015 r/w.374(3) of Cr.P.C., against the order passed by the Vacation Sessions Judge (II Additional Sessions Judge) Erode on 26.05.2017 in CrI.M.P.No.83 of 2017 dismissing the bail petition for the alleged offence under section 147, 294(b) and 323 of IPC and under section 3(1)(r) and (s) of S.C. S.T. Prevention of Atrocities Amendment Act 2015.

For Appellant : Mr.C.S.Saravanan

For Respondent : Mr.E.Raja,
Additional Public Prosecutor

ORDER

This appeal has been filed as against the dismissal of the order of the learned II Additional Sessions Judge, Erode passed on 26.05.2017 in CrI.M.P.No.83 of 2017.

2. It is the submission of the learned counsel for the petitioner that as the petitioner did not appear before the trial Court, non bailable warrant has been issued against the petitioner and on execution of non bailable warrant, the petitioner was arrested and remanded to judicial custody on 02.05.2017. Hence, prayed for grant of bail.

3. The learned Additional Public Prosecutor submitted that the petitioner did not appear even after receipt of summons and therefore, non bailable warrant has been issued against him and subsequently, it was executed. Therefore, the learned trial judge dismissed the application.

4. The petitioner stands charged for the offences under sections 147, 294(b) and 323 IPC and section 3(1)(r) and (s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 and he is arrayed as A1. The prosecution has already filed charge sheet and the petitioner has been arrested on execution of non bailable warrant and he is in custody from 02.05.2017.

5. Having regard to the nature of allegations against the petitioner and taking into consideration of the fact that due to illness, he was not able to appear before the Court, this court is inclined to entertain this petition.

6. Accordingly, it is ordered that the petitioner shall be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bhavani and he shall report before the said Magistrate daily at 10.30 a.m. until further orders.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Judicial Magistrate,
Bhavani.
2. The Vacation Sessions Judge,
II Additional Sessions Judge,
Erode.
3. The Inspector of Police,
Bhavani Police Station,
Erode District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/S.C.S.Saravanan, Advocate Sr.41973

Cr1.A.No.314 of 2017

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