

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 24.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Criminal Appeal No.413 of 2017

Chinnarasu @ Manikandan

... Appellant/Accused 1

versus

State rep. by
Inspector of Police,
Bhavani Police Station,
Erode District.

... Respondent

Prayer: Criminal Appeal filed under Section 14-A of S.C. S.T. [Prevention of Atrocities] Amendment Act, 2015 r/w 374(3) of Cr.P.C. to allow the appeal by setting aside the order dated 11.07.2017 passed in CrI.M.P.No.748 of 2017 on the file of the learned Principal Sessions Judge, Sessions Division, Erode and release the appellant on bail in P.R.C. No.9 of 2016 on the file of the learned Judicial Magistrate, Bhavani, in Crime No.185 of 2016 on the file of the respondent.

For Appellant : Mr.C.S.Saravanan

For Respondent : Mr.K.Madhan

Government Advocate [CrI.Side]

J U D G M E N T

The appellant is the first accused in Crime No.185 of 2016 on the file of the respondent police seeks bail for the offences under Sections 147, 294[b] and 323 IPC and Section 3(1) (r) and (s) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Amendment Act, 2015.

2. The case of the prosecution is that the appellant and the victim / de facto complainant were friends. The de facto complainant is a member of the Scheduled Caste. Due to some misunderstanding, the appellant and the other accused abused the de facto complainant by referring to the name of his caste and also assaulted him.

3. The learned counsel appearing for the appellant would submit that a false complaint has been lodged by the de facto complainant and nothing had occurred as alleged by him. He

would further submit that the appellant has been in custody since 30.05.2017 and he is prepared to abide by any conditions imposed by this Court and hence, he may be granted bail.

4. The learned Government Advocate [criminal side] appearing for the respondent would submit that totally there are five accused and except A-3, all other accused have been secured. He would further submit that the appellant/A-1 was secured on execution of Non-Bailable Warrant and therefore, he is not entitled to grant bail.

5. Section 3(1)(r) and (s) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Amendment Act, 2015 against the accused is the only Non-Bailable offence. The appellant hails from a Village and there is no fear that he will flee from justice. He has been in custody since 30.05.2017. Therefore, this Court is of the view that further incarceration of the appellant may not be necessary to proceed further and hence, he can be granted bail with certain conditions.

6. Accordingly, the appellant is ordered to be released on bail, on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Sessions Division, Erode and on further condition that the appellant shall report before the learned Judicial Magistrate, Bhavani, once in a week i.e. on first working day of every week at 10.30 a.m. until further orders.

7. In the result, the Criminal Appeal is allowed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sri

To

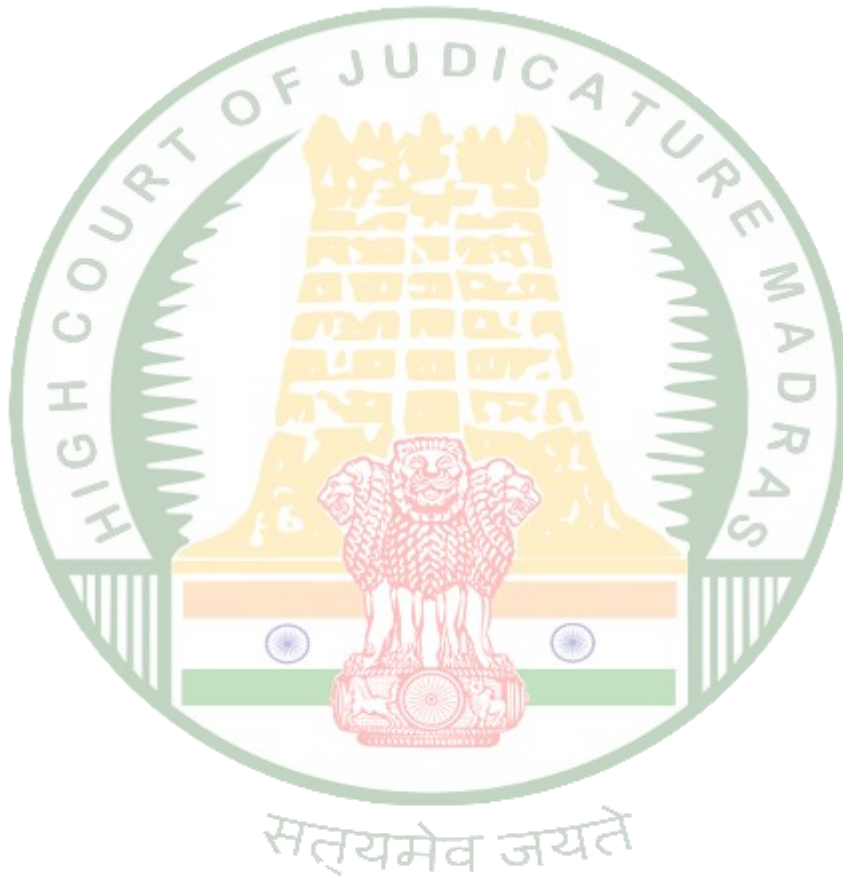
1. The Principal Sessions Judge,
Sessions Division, Erode.
2. The Judicial Magistrate,
Bhavani.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

4.Inspector of Police,
Bhavani Police Station,
Erode District.

+1cc to M/s.C.S.Saravanan, Advocate in sr.no.42083

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RK(CO)
NR 26/07/2017



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