

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM:

THE HON'BLE MR.JUSTICE N.AUTHINATHAN

Crl.A.No.487 of 2017

R.Umapathi

... Petitioner

//vs//

State Represented by
Inspector of Police
E1, Ponneri Police Station
Tiruvallur Dist.

... Respondent

Prayer :

Criminal Appeal filed under Section 14(A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside the order dated 28.07.2017 passed in Crl.M.P.No.2454 f 2017 by the learned Principal Judge District and Sessions Court, Thiruvallur District and allow the petition for bail filed by the appellant in FIR dated 10.07.2017 in Cr.No.385 of 2017.

For Petitioner : M/s V.T.Narendiran

For Respondent : Mr.K.Mathan,
Gov.Advocate (Crl.Side)

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The petitioner, who is the 2nd accused in Crime No.385 of 2017 seeks bail for the offences under section 385, 147, 148, 294(b), 324, 506(2) of I.P.C. R/w 3(x), 3(iii) of The Scheduled Castes and the Scheduled Tribes Act 1989. It is alleged by the prosecution that the petitioner and others formed an unlawful assembly and attacked the defacto-complainant and abused him referring to his caste. It is said that the defacto-complainant is a member of Schedule Caste and the prosecution parties are not member of Schedule Caste. It is stated that the offences under Section 506(2) and the offences under the Provisions of The Scheduled Castes and the Scheduled Tribes Act 1989 are non bailable offences and the investigation is still pending.

2. The learned counsel for the petitioner would submit that due to political rivalry between the defacto complainant and the petitioner herein, this case has been foisted against the accused persons and nothing had happened as alleged in the complaint. He further pointed out that the first accused has already been released on bail by the Special Court under the provisions of SC & ST Act on the date of his surrender before the Trial Court pursuant to an order of this court.

3. The learned Government Advocate (Crl. Side) submitted that the defacto complainant was duly informed about this appeal proceedings.

4. It has been pointed out that the offence alleged to have been committed on 9.07.2017 at 6.00 p.m and the complaint was lodged only at 10.07.2017 at 11.00 hours and it has also been pointed out that the court below has dismissed the bail on the ground that investigation was at the initial stage and some of the accused were absconding.

5. I have gone through the materials on record. The main allegation is that the defacto complainant was intimidated with intention to humiliate him within the public view. No serious injury is alleged to have been caused. The petitioner has been in custody since 10.07.2017 (for more than one month). It is not stated that further incarceration of the petitioner is necessary to complete the investigation. Hence, I am inclined to grant bail subject to the following conditions.

6. The petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I at Ponneri, within a period of two weeks from the date of this order and report before the Inspector of Police, E1 Police Station, Ponneri, Thiruvallur District at once in a week on every Monday at 10.30 a.m for two weeks.

16.08.2017

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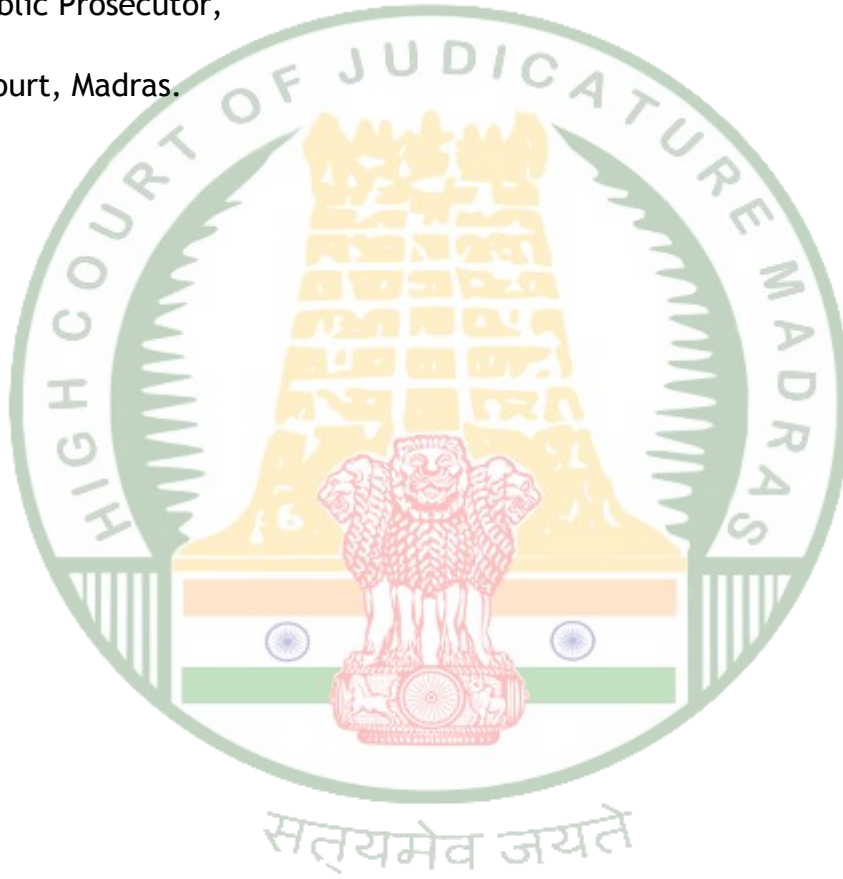
To

1. The Principal District and Sessions Judge,

Thiruvallur District.

2. The Public Prosecutor,

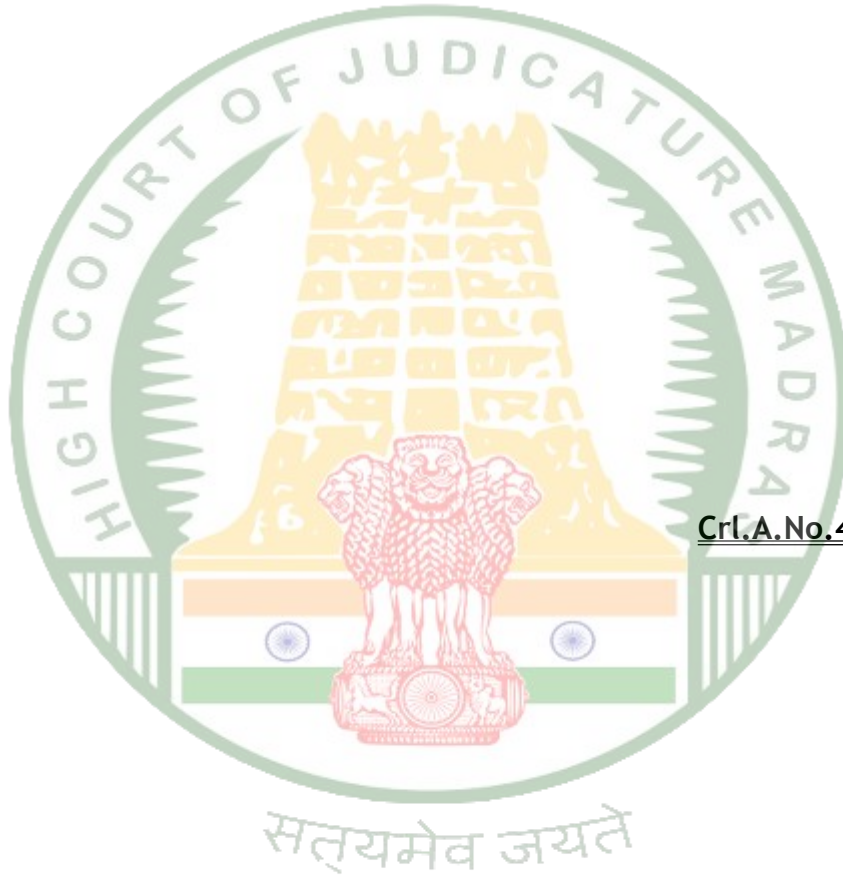
High Court, Madras.



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N.AUTHINATHAN, J.,

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26.07.2017