

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 24.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Criminal Appeal No.507 of 2017

1.Suresh @ Suresh Babu
2.Vickki @ Vignesh

... Appellants

versus

State by
Inspector of Police,
Attur Police Station,
Salem District.

... Respondent

Prayer: Criminal Appeal filed under Section 14(A)(2) of S.C/S.T. Act 1989 to set aside the order dated 07.08.2017 passed in Crl.M.P.No.2908 of 2017 on the file of the learned Principal Sessions Judge, Salem, Salem District and enlarge the appellants on bail in Crime No.428 of 2017 on the file of the Inspector of Police, Attur Police Station, Salem District.

For Appellant : Mr.E.Kannadasan

For Respondent : Mr.R.Sekar for Mr.K.Mathan
Government Advocate [Crl.Side]

J U D G M E N T

The appellants are the accused in Crime No.428 of 2017 on the file of the Inspector of Police, Attur Police Station, Salem District. Their bail application for the alleged offences under Sections 147, 294(b), 323 IPC read with Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act was dismissed by the Court below. Aggrieved by the order of dismissal, the

appellants approached this Court by way of this Appeal.

2.The case of the prosecution is that totally there are 5 accused and they have abused the defacto complainant, who is a member of the Scheduled Caste, by referring to the name of his caste. It is also alleged that they have assaulted the defacto complainant.

3.Learned counsel for the appellants would submit that nothing had happened as alleged in the complaint and the other three accused were granted bail by the Court below and that therefore, the same benefit of bail may be extended to these petitioners also.

4.Learned Public Prosecutor opposed the bail application stating that the investigation is still pending and that the petitioners are also facing threat. The offences, which are under the provisions of Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act are only non-bailable offences. No weapon is alleged to have been used. No serious injury is alleged to have been caused. The petitioners are in judicial custody for nearly one month (i.e.,) from 24.07.2017. The co-accused have been granted bail. Taking all these factors into consideration, I am inclined to grant bail to the appellants.

5.Accordingly, the appellants are ordered to be released on bail, on each of them 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 J.M.No.I, Attur and on further condition that the appellants shall report before the Inspector of Police, Pallapatti Police Station, Salem, daily at 9.00 a.m. for a period of two weeks.

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

24.08.2017

Index : Yes/No

Internet : Yes

Note : **Issue Order Copy by Today**

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To

1.The Principal Sessions Judge,
Salem, Salem District

2.The Inspector of Police,
Attur Police Station,
Salem District.

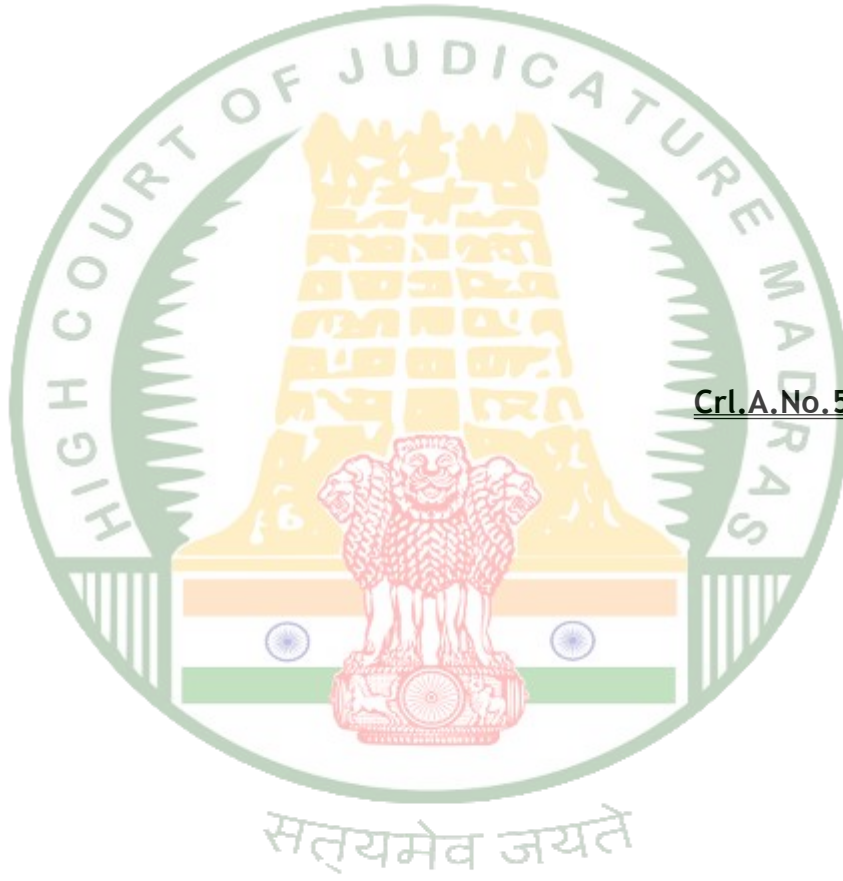
3.The Inspector of Police,
Pallapatti Police Station,
Salem.



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N.AUTHINATHAN. J.,

abr



Crl.A.No.507 of 2017

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