

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.10.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL. APPEAL NO. 621 OF 2017

1. Nagappan

2. Kondappan

.. Appellants

- Vs -

The State by
Inspector of Police
Sendamangalam Police Station
Namakkal District.

.. Respondent

Criminal Appeal filed to set aside the order dated 22.9.2017 passed in Crl. M.P. No.1076/2017 by the Principal Sessions Judge, Namakkal and to enlarge the appellants on bail, pending investigation in connection with the case in Crime No.335/2017 on the file of the respondent police.

For Appellants : Mr. I.C.Vasudevan

For Respondent : Mr. K.Madhu, Govt. Advocate (Crl. Side)

ORDER

It is the case of the prosecution that on the complaint lodged by one Dheeraj Kumar, the respondent police registered a case in Crime No.335/2017 on 24.8.2017 under Sections 294 (b), 323 and 3 (1) (s) of the SC/ST (POA) Act against

Bommayee and her husband Nagappan (A-2) and during the course of investigation, the police have arrested Nagappan (A-2) and Kondappan (A-3), who were remanded to custody on 2.9.17.

2. On a reading of the FIR, it is alleged by defacto complainant that while he was coming by his motorcycle, Bommayee and her husband stopped the motorcycle and assaulted him and called him by his caste name. According to the defacto complainant, the accused questioned him as to why he was sounding the horn and proceeding rashly. In the complaint, the defacto complainant has further stated that he got himself admitted in the hospital on the next day, viz., 23.8.2017 for certain minor injuries and admittedly on the intimation from the hospital authorities, the police authorities came to the hospital and recorded the statement of the defacto complainant, based on which the FIR came to be registered only on 24.8.2017. The defacto complaint has been discharged from the hospital.

3. Taking into consideration the nature of the allegation in the FIR and the fact that the appellants are in incarceration from 2.9.17, this Court is inclined to grant bail to the appellants.

4. Accordingly, the appellants are ordered to be released on bail on their

executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Principal District Judge, Namakkal, and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the Principal District Judge, Namakkal, daily at 10.30 a.m. for a period of two weeks and, thereafter, before the respondent police as and when required until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Principal District Judge/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Principal District Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji – Vs - State of***

Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

12.10.2017

Index : Yes/No

Internet : Yes/No

GLN

Note to Office :-

**Issue copy of this
order today (12.10.2017)**

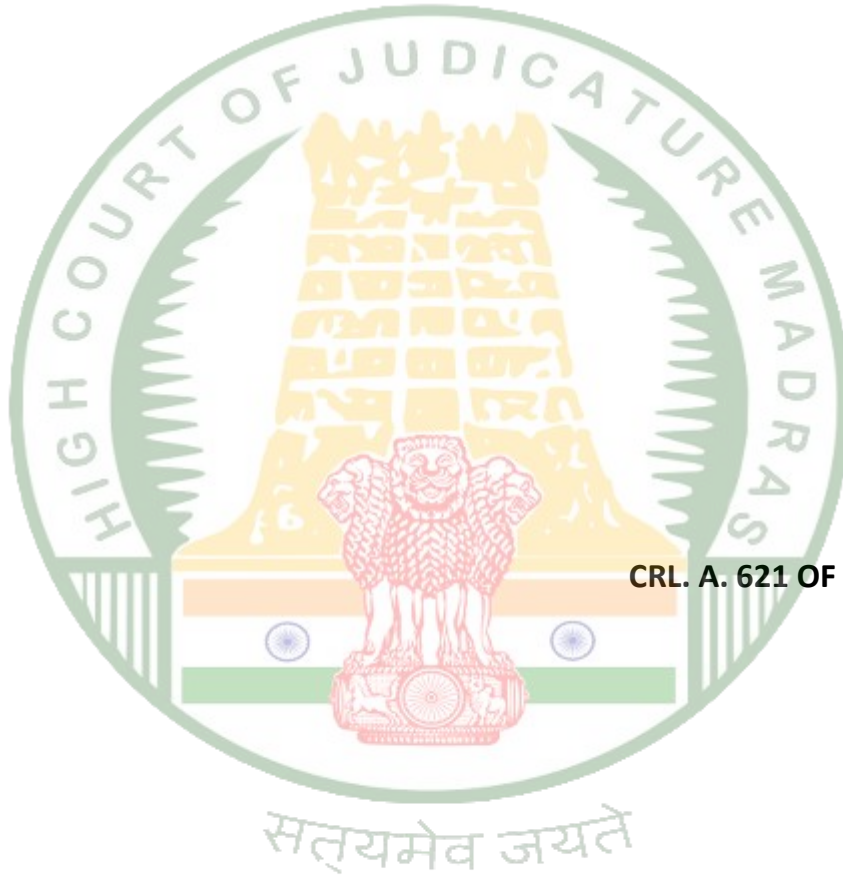
To

1. The Principal District Judge
Namakkal.
2. Inspector of Police
Sendamangalam Police Station
Namakkal District.

सत्यमेव जयते
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P.N.PRAKASH, J.

GLN



CRL. A. 621 OF 2017

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