

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N. PRAKASH

Criminal Appeal No.630 of 2017

Baladhandapani

... Appellant/Accused

Vs

State rep by
Inspector of Police
Sathyamangalam Police Station
Erode District
Cr.No.319 of 2017

... Respondent/Complainant

Appeal filed under Section 14-A of SC/ST Act (Prevention of Atrocities) Amendment Act 2015 r/w 374(2) of Criminal Procedure Code against the order passed in bail petition in CrI.M.P.No.1154 of 2017 dated 03.10.2017 on the file of Principal District and Sessions Judge, Erode and release the appellant on bail in Cr.No.319 of 2017.

For Appellant : Mr.M. Balakrishnan

For respondent : Mr.K. Madhan
Government Advocate (Crl.Side)

JUDGMENT

On the complaint lodged by Easwaramoorthy, the respondent police registered a case in Cr.No.319 of 2017 on 01.08.2017 under Sec.174 of Criminal Procedure Code. The accused filed bail application in CrI.M.P.No.1154 of 2015, which has been dismissed by the learned Principal District and Sessions Judge, Erode (Special Court for SC/ST Act) on 03.10.2017. The accused has surrendered and the respondent police have altered the case from Sec.174 of Criminal Procedure Code to Secs.302 and 201 IPC and Sec.3(2)(va) of SC/ST (POA) Amendment Act 2015.

2. It is the case of Easwaramoorthy that he was informed by one Easwaran that his brother Velusamy's body was seen on the road side near Thirumoorthy Nagar and on coming to know of it,

Easwaramoorthy went there. He found the dead body of his brother with injuries thereon, pursuant to which, he gave a complaint, based on which, the police registered First Information report as stated above.

3. During the course of investigation, it is seen that the petitioner herein had surrendered before the Village Administrative Officer on 07.08.2017 and gave an extra judicial confession, stating that he was good friend of Velusamy and both of them have gone to cattle market on 31.07.2017 and returned home. The accused milked his cows and went to the Milk Society to deliver the milk and returned. At that time, the accused found his wife Devi was weeping and when he questioned her, she told that Velusamy tried to misbehave her. Therefore, when the accused questioned Velusamy, he is said to have attacked the accused with sticks. The accused managed to ward off the attack and disarmed Velusamy and attacked him with the same stick, in which, Velusamy sustained injuries and died.

4. Taking into consideration the nature of allegations and the fact that the accused is in the custody from 07.08.2017, this Court is of the view that it is a fit case to grant bail to the petitioner/accused.

5. Accordingly, the order dated 3.10.2017 in CrI.M.P.No.1154/2017 passed by the learned Principal District and Sessions Judge, Erode is set aside and the appeal is allowed and the the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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 Principal District and Sessions Judge, Erode and on further condition that:

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

[b] the petitioner shall report before the respondent police everyday at 6.30 p.m for a period of four weeks and thereafter as and when required.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sr

To

1.The Principal District and Sessions Judge,
Erode.

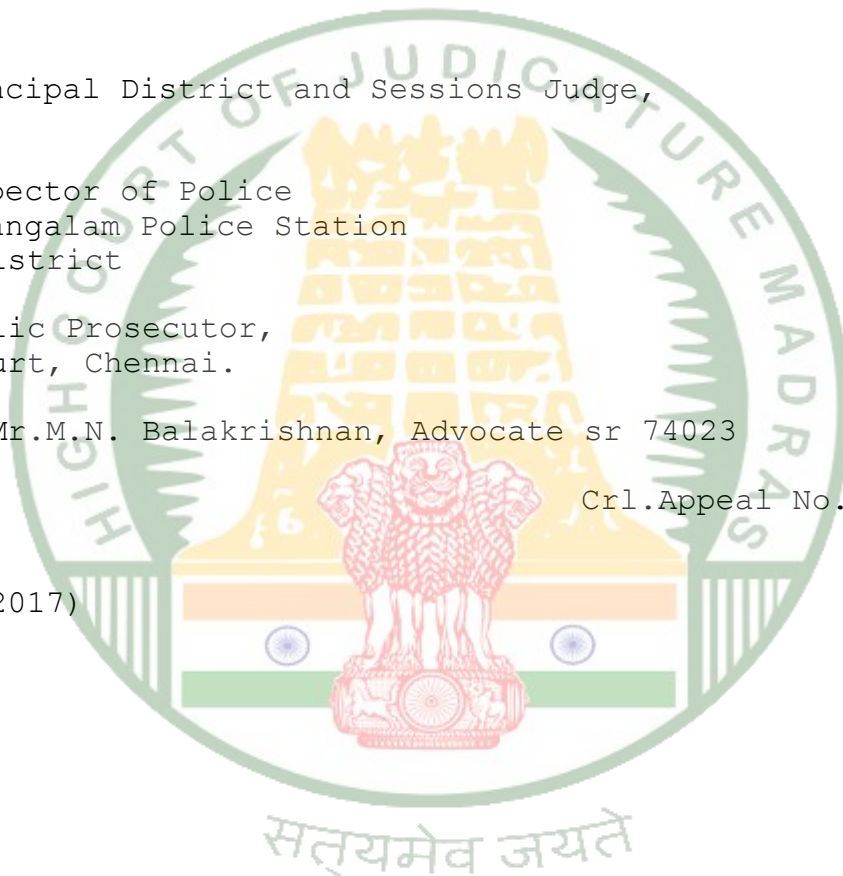
2.The Inspector of Police
Sathyamangalam Police Station
Erode District

3.The Public Prosecutor,
High Court, Chennai.

+1 Cc to Mr.M.N. Balakrishnan, Advocate sr 74023

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