

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2017

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.Appeal No.773 of 2017

K. Karthikeyan

.. Appellant

vs

State through
The Inspector of Police,
R-9, Valasaravakkam Police Station,
chennai – 600 087
Thiruvallur District
(Cr.No.1405 of 2017)

... Respondent

Appeal filed under Section 14-A(2) of SC/ST Act (Prevention of Atrocities) Amendment Act 1989 against the order passed in bail petition in Crl.M.P.No.3961 of 2017 dated 04.12.2017 on the file of Principal District and Sessions Judge, Thiruvallur and release the appellant on bail in Cr.No.1405 of 2017.

For appellant : Mr.R. Ganesh Kumar

For respondent : Mr.K. Madhan

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JUDGMENT

On the complaint lodged by one Selvathirupathy, the respondent police have registered a case in Cr.No.1405 of 2017 on 27.10.2017 for the offence under Secs.302 IPC and Sec.3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 against the petitioner herein and he was arrested by the respondent police on 27.10.2017 and he is in incarceration since then.

2. The petitioner filed bail application in CrI.M.P.No.3961 of 2017 before the Sessions Court (Special Court for SC/ST cases), Thiruvallur, which was dismissed by the impugned order dated 04.12.2017. Aggrieved by which, this appeal is preferred.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.side). The police have filed counter, objecting to the release of bail.

4. On a reading of the first information report, it is seen that Selvathirupathy/defacto-complainant, Karthikeyan/accused, Kannan (deceased), Muthu, Murugan, Surya, Sathish and Darwin had all come from various places in the State of Tamil Nadu to make a mark in Kollywood. They came to know each other and they had taken a room in Valasaravakkam and

were staying together and were working in various Film Units either as Assistant Directors or small time Artists in T.V Serials.

5. On 26.10.2017, the accused Karthikeyan was watching television in the room and at that time, the deceased Kannan, who was drunk, was talking to his wife over mobile phone and after disconnecting the phone call, cried to Karthikeyan(accused) and demanded that he should stop watching television and listen to his tale of woes. Karthikeyan/accused was not interested in listening to Kanan's (deceased) problems and therefore, he was continuing to watch television. This infuriated the deceased Kannan, who put off the television. Angry with what Kannan did, Karthikeyan(accused) called him by his caste name and hit him. Since Kannan(deceased) was drunk, he fell down and he was carried to the local hospital for treatment. After treatment was given to Kannan, he was brought to the room and he was sleeping, but, unfortunately, he died in sleep. In those circumstances, the accused was arrested on 26.10.2017 and is in incarceration since then.

6. Taking into consideration the nature of allegations against the petitioner/accused and the manner in which, the offence had taken place, this Court is of the view that this is a fit case for granting bail to the petitioner.

7. Accordingly, the order dated 04.12.2017 in Crl.M.P.No.3961/2017 passed by the learned Principal District and Sessions Judge, Thiruvallur is set aside and the appeal is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases for SC/ST Act, Villupuram Thiruvallur and on further condition that:

[a] 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 10.30 a.m for a period of two 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.

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Index:yes/no
website:yes/no

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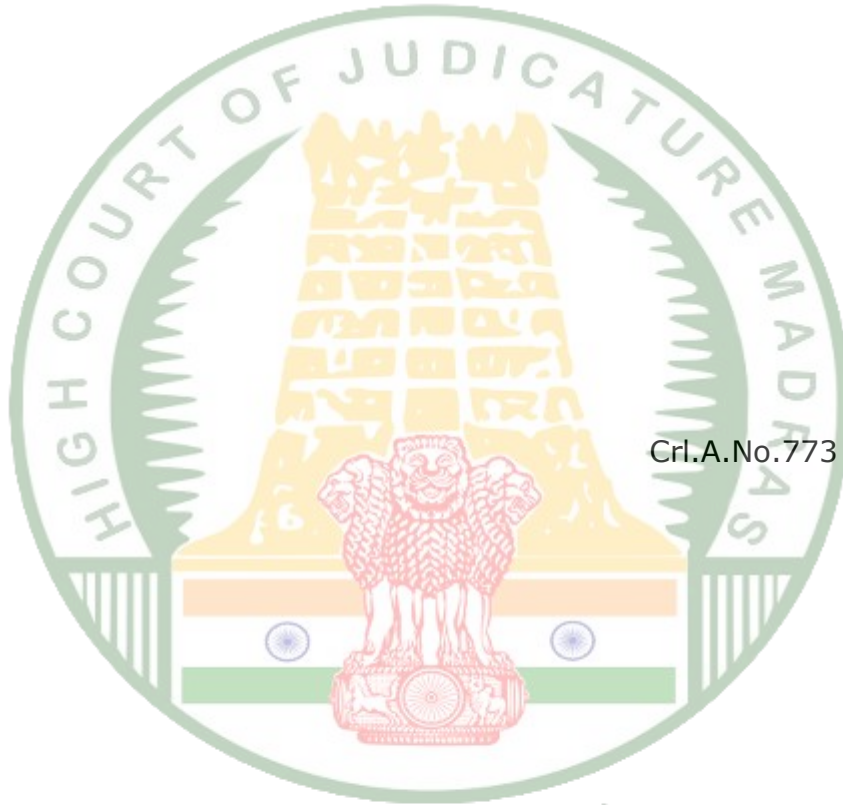
1. The Principal District and Sessions Judge, Thiruvallur
2. The Inspector of Police
R-9, Valasaravakkam Police Station,
Chennai – 600 087
Thiruvallur District
3. The Public Prosecutor, High Court, Chennai

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P.N. PRAKASH,J.,

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