

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CrI.A.No.351 of 2018

Madesh

... Appellant/Accused

.. Vs ..

State Rep. by Inspector of Police,
Royakottai Police Station,
Krishnagiri District. ... Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 14 (A) (2) of SC/ST Act, 1989, against the dismissal of the bail petition filed by them before the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District in CrI.M.P.No.762 of 2018, dated 18.06.2018.

For Appellant : Mr.E.Kannadasan
For Respondent : Mr.R.Surya Prakash,
Government Advocate

ORDER

This Criminal Appeal is directed against the order of dismissal of the bail petition passed by the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District in CrI.M.P.No.762 of 2018, dated 18.06.2018.

2. The case of the prosecution is that on 27.04.2018 at about 04.00 p.m., the de facto complainant preferred a complaint before the respondent police stating that on 27.04.2018 at about 10.40 a.m., he received a whats-app video message from the appellant, in that video message, he abused the entire SC/ST community people and its party leader by using their caste name. Hence, he preferred a complaint before the respondent police. On receipt of his complaint, the respondent police registered a case against the appellant in Crime No.168 of 2018 for the offence under Sections 153 (A), 294 (b) and 506(ii) of IPC and Section 3 (1) (r) (s) of Schedule caste and Schedule Tribes (Prevention of Atrocities) Amendment Act 2015 r/w. Section 67 of Information Technology Act, 2000.

3. Learned counsel appearing for the appellant/accused would submit that on knowing the registration of the FIR, the appellant approached this Court and filed a petition in CrI.M.P.No.14204 of 2018 seeking a direction directing the

learned District and Principal Sessions Judge, Krishnagiri, Krishnagiri District to consider his bail application on his surrender and the same was allowed by this Court on 25.05.2018 and directed the petitioner to surrender before the trial Court within a period of two weeks from the date of receipt of copy of this order and on such surrender, the learned District and Principal Sessions Judge, Krishnagiri (Special Judge for S.C. & S.T. Act) was directed to consider the bail application filed by the petitioner. But the learned Principal Sessions Judge, Krishnagiri, has dismissed the bail petition and hence, the appeal.

4. Learned Government Advocate appearing for the respondent State would submit that the appellant/accused was arrested on 16.05.2018 and documents have been collected with regard to the whats-app message sent by him and the same has been sent to voice testing and Community Certificate of the persons are also been collected.

5. Taking into consideration the fact that substantial part of the investigation is over and period of custody, I am inclined to grant bail to the appellant/accused.

6. Accordingly, the dismissal order passed by the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District in CrI.M.P.No.762 of 2018, dated 18.06.2018 is set aside and the Criminal Appeal is allowed and the appellant/accused 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, out of which one should be Government surety, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai, and on further condition that the appellant/accused shall appear before the said Court on every Monday at 10.30 a.m.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Jr1

To

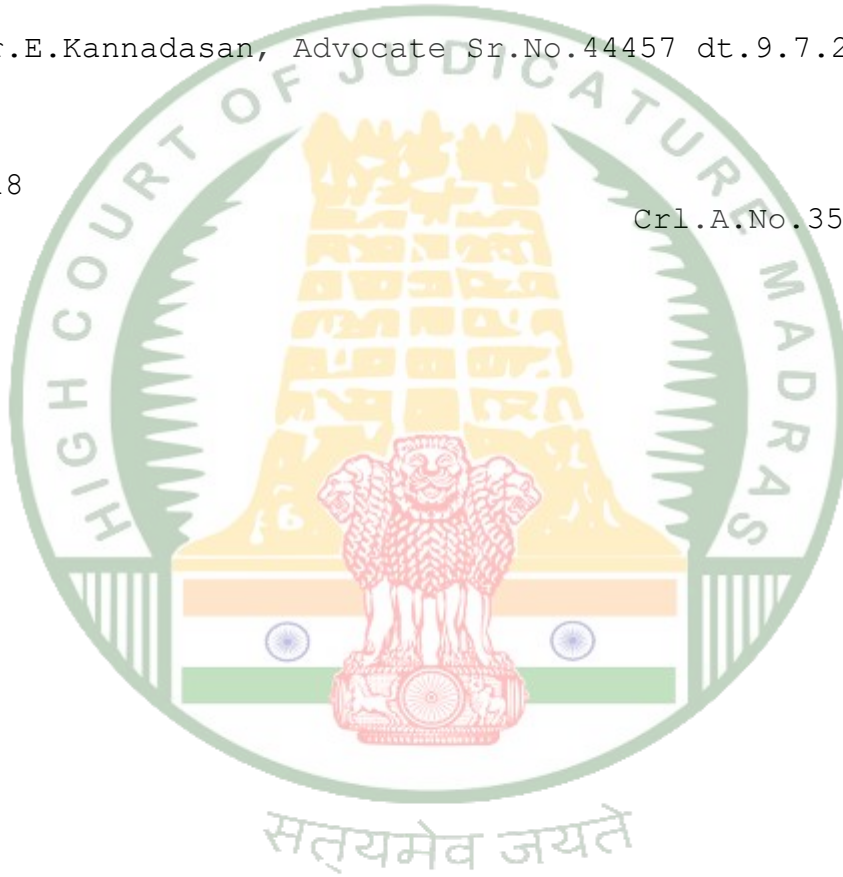
1. The Principal Sessions Judge,
Krishnagiri,
Krishnagiri District.

2. The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.
4. The District Munsif-Cum-Judicial Magistrate,
Denkanikottai.

+1cc to Mr.E.Kannadasan, Advocate Sr.No.44457 dt.9.7.2018

RK(CO)
sm:9.7.2018

Crl.A.No.351 of 2018



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