

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.387 of 2018

Ramesh

...Appellant/Petitioner

..Vs..

State rep by
The Inspector of Police,
Nallur Police Station,
Namakkal District
Crime No.136 of 2018

..Respondent/Respondent

PRAYER: Criminal Appeal filed under Section 14-A of S.C.S.T.Act (Prevention of Atrocities (Amendment) Act, to set aside the bail dismissal order passed against the appellant on 28.06.2018 in Crl.M.P.No.762 of 2018 on the file of Court of Principal Sessions Judge, Namakkal and grant bail in connection the Crime No.136 of 2018 on the file of the respondent police pending investigation.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.R.Surya Prakash
Government Advocate (Crl.Side)

O R D E R

Mr.R.Surya Prakash, learned Government Advocate (Crl.side) takes notice on behalf of the respondent.

2. Heard both sides.

3. The petitioner was arrested on 16.05.2018 for the alleged offences punishable under Sections 354 of I.P.C., r/w 3 (1)(r), 3(1)(s) of SC/ST Act (Prevention of Atrocities) Amendment Act, 2015 and 3 of Explosive Substance Act 1908 r/w 3 of TNPPDL Act 1984 in Crime No.136 of 2018 on the file of the respondent police, seeks bail.

4. The case of the prosecution is that the appellant abused the defacto-complainant and his daughter in a filthy language and uttered the caste name in a public place and also thrown a dynamite bomb on the house of the defacto-complainant and caused damages to the tune of Rs.1,000/-

5. The learned counsel for the petitioner has stated that the ingredients of the alleged offence under the SC and ST (POA) Act are not satisfied and hence, he seeks bail.

6. The learned Government Advocate (crl.side) stated that the appellant was apprehended and remanded to judicial custody on 16.05.2018.

7. After going through the records and also by perusing the order passed by the learned Principal Sessions Judge, Namakkal and taking note of the fact that the petitioner is in custody on 16.05.2018 and substantive part of investigation is over, this Court is inclined to grant the relief of bail to the petitioner.

8. Accordingly, it is ordered that the petitioner shall be released on bail, subject to the following conditions:-

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the learned Principal District Judge, Namakkal

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m. and 5.00 p.m. for a period of two weeks and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness during trial.

(iv) the petitioner shall not abscond during trial

(v) on breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560]

(vi) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A I.P.C

With the above directions, this Criminal Appeal is disposed of.

Sd/-
Assistant Registrar(CS-ix)

//True Copy//

nvi Sub Assistant Registrar

To

1. The Principal Sessions Judge, Namakkal

2. The inspector of police,
Nallur Police Station,
Namakkal District.

3. The Judicial Magistrate, Paramathi,

4. The Superintendent, Central Prison, Salem.

+1cc to Mr.R.BNALLIYAPPAN, Advocate, S.R.No. 44427

Crl.A.No.387 of 2018

SSI (CO)
TR(09/07/2018)

सत्यमेव जयते
WEB COPY