

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Criminal Appeal No.443 of 2018

1.Mohanraj
2.Ganesh

... Appellants

Versus

State rep. By
Inspector of Police
Gomangalam Police Station
Coimbatore District
Crime No.142/2018

... Respondent

Criminal Appeal filed under Sections 14-A of S.S. S.T.ACT (Prevention of Atrocities Amendment ACT 2015 r/w 374(3) of the Code of Criminal Procedure, to set aside the order passed in bail petition in Crl.M.P.No.1964/2018 dated 23.07.2018 on the file of the Principal District and Sessions Judge, Coimbatore and release the appellant on bail in Crime No.142/2018 on the file of the respondent.

For Appellants : Mr.M.N.Balakrishnan

For Respondent : Ms. Thankira
Government Advocate (Crl.Side)

JUDGMENT

The appellants, who were arrested on 29.06.2018 for the offence under Sections 174 Cr.P.C., subsequently altered into 448, 294-B, 306 of I.P.C and Section 3(1) (r), 3 (1) (iii), 3 (v) and 3(2)(va) of SC/ST (POA) Amendment Act 2015 in Crime No.142 of 2018 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the defacto-complainant is the brother of one Muthusamy (deceased). Both of them belonged to Hindu-Madari community which comes under Shedule Caste. The appellants herein, who are arrayed as A2 & A3 respectively in this case, along with the 1st accused went to

the house of the said Muthusamy and abused him and his wife by referring their caste name, for which deceased Muthusamy committed suicide. After investigation, the appellants and other accused were implicated in the above case and arrested on 29.06.2018. Immediately, after the arrest, the appellants filed a bail application before the lower Court in CrI.M.P.No.1964/2018. The lower Court considering the matter elaborately dismissed the bail application against which the present appeal is filed.

3. Heard the learned counsel for the appellants as well as the Government Advocate (CrI.Side) and perused the material available on record.

4. The appellant is under incarceration for more than 55 days. Considering the nature of the case and the period of incarceration, this Court is inclined to grant bail to the appellants on imposing certain conditions.

(*)5. Accordingly, the appellants are ordered to be released on bail on their executing a bond each for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Coimbatore and on further condition that;"

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellants shall report before the learned Principal District and Sessions Judge, Coimbatore, daily at 10.30 a.m. until further orders;

(c) the appellants shall not tamper with evidence or witness either during investigation or trial;

(d) the appellants shall not abscond either during investigation or trial;

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

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
Assistant Registrar(CS IX)
(dated: 27.08.2018)

**(*)Corrected as per order of this court
dated 30.08.2018 made in Crl A.No.443/18**

Sd/-
Assistant Registrar(CS IX)
(dated: 30.08.2018)

//True Copy//

Sub Assistant Registrar

gmd/vsg1
To

- 1.The Principal District
and Sessions Judge,
Coimbatore.
- 2.Inspector of Police
Gomangalam Police Station
Coimbatore District
Crime No.142/2018.
- 3.The Public Prosecutor,
High Court, Madras.

**TO BE SUBSTITUTED
TO THE ORDER ALREADY
DESPATCHED ON 30.08.2018**

+1cc to Mr.M.N.Balakrishnan, Advocate Sr.57393 (59708)

सत्यमेव जयते

Crl.A.No.443 of 2018

srg 27/08/2018

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