

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.A.No.504 of 2018

1. Kanthammal
2. Murugan
3. Krishnamoorthy

.. Appellants/Accused

Vs

State by
Inspector of Police,
Pernambut Police Station,
Pernambut,
Vellore District,
(Crime No.246 of 2018) .. Respondent/Complainant

Prayer: Criminal Appeal Petition filed under Section 14(A) of Schedule Cast/Schedule Tribes (Prevention of atrocities) Amendment Act, to set aside the bail dismissal order passed in Crl.M.P.No.3573 of 2018 by the learned Principal Sessions Judge, Vellore District in Crime No.246 of 2018 on the file of the respondent police to set aside the order same and enlarge the petitioner on bail.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.S.Thankira

Government Advocate (Crl.Side)

O R D E R

This appeal has been filed by the appellants for allowing the appeal and to set aside the order passed in bail petition in Crl.M.P.No.3573 of 2018 by the learned Principal Sessions Judge, Vellore District in Crime No.246 of 2018 and release the appellants on bail in Crime No.246 of 2018.

2. The facts of the case is that on the complainant lodged by one Vijayakanth, the respondent Police have registered a case in crime No.246 of 2018 for the offence under Section 302 IPC @ 302 IPC 3(2)(v), 3(2)(va) of SC / ST POA Amendment Act, 2015 against the petitioners herein and that after investigation, they were arrested and remanded to judicial custody.

3.Learned counsel for the petitioner would submit that the appellants approached before the Court below in CrI.M.P.No.3573 of 2018 seeking for enlarge on bail. However, the Court below dismissed the bail petition on 04.08.2018. He would further submit that the appellants are under incarceration for the past 70 days. Therefore, he prays for grant of bail.

4.Mr.S.Thankira, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the appellants are still under judicial custody viz., for a period of 70 days.

5. Considering the fact that the appellants are in judicial custody for a long period of 70 days, I am inclined to grant bail with stringent condition to the appellants.

6. Accordingly, the appellants are ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) with two sureties each, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiatham and on further condition that:

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

(b)the appellants shall report before the learned Judicial Magistrate, Gudiatham, 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 Magistrate/ 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 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]; and;

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Pernambut Police Station,
Pernambut,
Vellore District,

2. The Public Prosecutor,
High Court, Madras.

3.The Principal Sessions Judge,
Vellore.

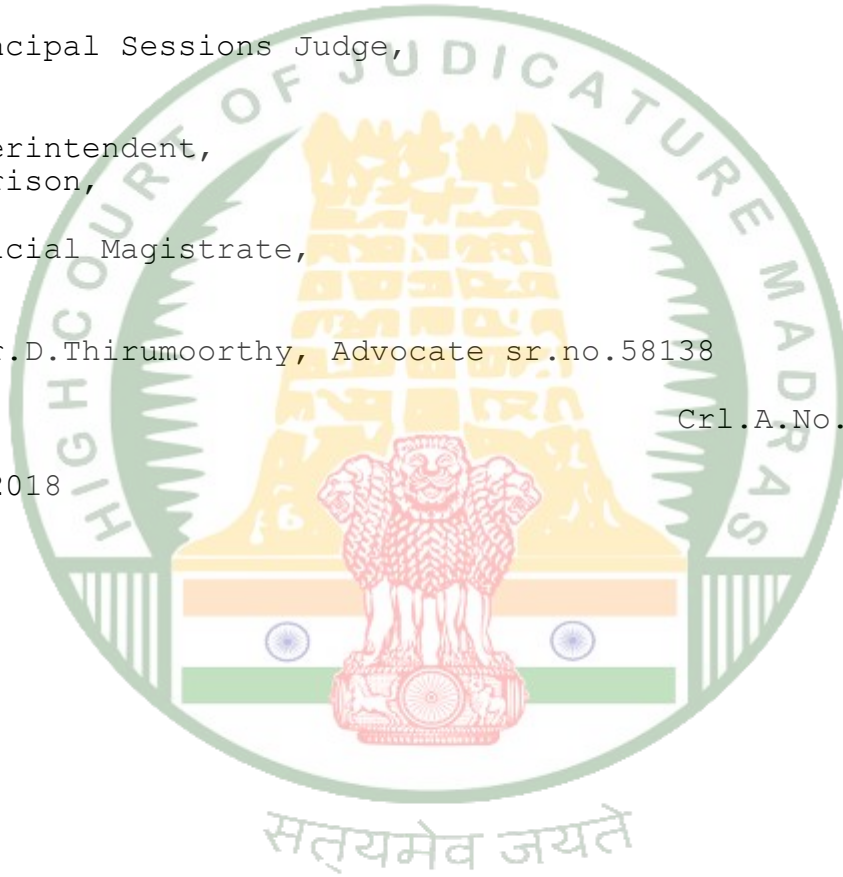
4.The Superintendent,
Central Prison,

5.The Judicial Magistrate,
Gudiatham.

+1cc to Mr.D.Thirumoorthy, Advocate sr.no.58138

Crl.A.No.504 of 2018

nr 28/08/2018



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