

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.663 of 2018

1.Saravani
2.Sampath

.. Appellants

Vs.

State rep. by
The Inspector of Police
Barur Police Station
Krishnagiri District
Crime No.105/2018

... Respondent

PRAYER:Criminal Appeal has been filed under Section 14A (2) of Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, against the dismissal of the bail order dated 25.10.2018 made in Crl.M.P.No.1537 of 2018 on the file of the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District.

For Appellants : Mr.E.Kannadasan

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

J U D G M E N T

The appellants / accused have been implicated in this case under Sections 3(1)(r), 3(1)(s) of Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Ordinance Amendment Act, 2015.

2.It is the case of the prosecution that the defacto complainant was searching for a job, the 2nd appellant took him to the 1st appellant saying that she could secure him a job. Thereby, they have received Rs.4,00,000/- from the defacto complainant. After receipt of such amount, the appellants have neither secured him a job nor repaid the amount received. Thereafter, the defacto complainant demanded the money from the accused, they abused him by calling his caste name in the public

place. Hence, a case has been filed as against the appellants and they were granted bail on an earlier occasion, subsequently, they were enlarged on bail. After the enlargement, the appellants have failed to comply with the order passed by this Court, since the 2nd appellant was hospitalised and was taking treatment, for which NBW was issued by the learned Principal Sessions Judge, Krishnagiri for their non-appearance, thereby the appellants were arrested and sent to judicial custody on 17.10.2018. Therefore, the appellants have filed bail application under Section 439 of Cr.P.C., the same was dismissed against which this present criminal appeal is preferred.

3.The learned counsel appearing for the appellants would submit that the appellants have not committed any offence as alleged by the prosecution. Due to the ill health of the 2nd appellant, they could not appear before the Trial Court, hence, the law enforcing agency has arrested the appellant, their appearance was neither wilful nor wanton. Accordingly, prays for bail.

4.The learned Government Advocate appearing for the State would submit that the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District has issued NBW due to the non appearance of the appellants. Hence, the law enforcing agency has secured the appellant as per the order of the Sessions Court.

5.Considering the circumstances and also the period of incarceration, I am inclined to grant bail to the appellants.

6.Accordingly, the appellants are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pochampalli, 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 appellants shall report daily before the learned District Munsif cum Judicial Magistrate, Pochampalli 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 appellant in accordance with law as if the conditions have been imposed and the appellant 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.

7. Accordingly, this Criminal Appeal is allowed and the order dated 25.10.2018 passed in Crl.M.P.No.1537 of 2018 passed by the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District is set aside.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Krishnagiri.
2. The Inspector of Police Barur Police Station Krishnagiri District.
3. Public Prosecutor, High Court, Madras -104.

+1cc to Mr.E.Kannadasan, Advocate SR.No.74595

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GMY (01/11/2018)

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