



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Criminal Appeal (MD) No.563 of 2018

Suresh

... Appellant/Accused No.1

Vs.

1. State represented by
The Deputy Superintendent of Police,
Uthamapalayam Sub-Division,
Theni District.

2. The Inspector of Police,
Uthampalayam Police Station,
Theni District.
In Crime No.513 of 2018.

... Respondents/Complainant

3.Chinna Eswaran

... Respondent/Defacto
Complainant

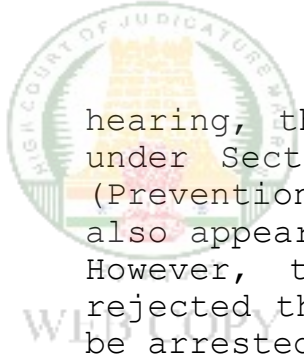
PRAYER : Criminal Appeal is filed under Section 14A(2) of SC/ST, 1989 and Amended by Act 1 of 2016, to call for the entire records relating to the order passed in Cr.M.P.No.3573 of 2018, dated 02.12.2018 on the file of the learned Principal District and Sessions Judge, Theni and set aside the same and consequently order to release the appellant/accused No.1 on bail in connection with Crime No.513/2018 on the file of the second respondent.

For Appellant : Mr.R.Venkateswaran
For R1 and R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

JUDGMENT

This appeal is filed as against the order passed by the learned Principal District and Sessions Judge, Theni in Cr.M.P.No.3573 of 2018 dismissing the application filed by the petitioner under Section 439 Cr.P.C., seeking bail in Crime No.513 of 2018.

2.The respondent police has registered a case against the petitioner for the offences punishable under Sections 294(b), 323 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015. When the bail application was taken up for



hearing, the defacto complainant was put on notice as contemplated under Section 15(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the defacto complainant has also appeared before the trial Court and expressed his no objection. However, the learned Principal District and Sessions Judge has rejected the bail application stating that the co-accused is yet to be arrested.

3. Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl.side) appearing for R1 and R2.

4. The learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 has pointed out that a notice must be put on the complainant as contemplated under Sub Section 3 of Section 15(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. On a perusal of the records, this Court finds that the co-accused in Crime No.513 of 2018 has moved an application before this Court in Crl.O.P.No.20396 of 2018, wherein a direction was issued to the co-accused by this Court to surrender before the concerned Court and move a regular bail. However, the application for bail was dismissed by the learned Principal District and Sessions Judge on the ground that the co-accused is yet to be secured and the investigation is still pending, I am inclined to grant bail to the petitioner. The learned Principal District and Session Judge, while deciding the application in Cr.M.P.No.3573 of 2018, has put on notice to the defacto complainant as contemplated under Section 15 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the defacto complainant has also appeared before the Sessions Court and expressed his no objection for grant of bail. When that being position, there is no useful purpose will be served by issuing another notice to the defacto complainant and till such time, allowing the appellant in jail for more than 50 days for the offence under Sections 294(b), 323 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

6. In such view of the matter, this Court is inclined to grant bail to the appellant. Accordingly, it is ordered that the appellant is directed to be enlarged on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the Principal District and Sessions Judge, Theni, subject to a condition that the appellant shall appear before the said Court once in a month i.e, on the first working day of every month at 10.30 A.M until further orders.

Sd/-
Vacation Officer/
Assistant Registrar

/True Copy/



1. The Principal District and Sessions Judge,
Theni.

2. The Deputy Superintendent of Police,
Uthamapalayam Sub-Division,
Theni District.

3. The Superintendent of Prison,
Sub Jail, Uthamapalayam.

4. The Inspector of Police,
Uthampalayam Police Station,
Theni District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc To Mr.R.VENKATESWARAN, ADVOCATE IN SR No.24142

RMI

TE/SV/SAR 3/28.12.2018/3P/7C

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