

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.No.119 of 2019

J.Palani

...Appellant/Accused No.2

Vs.

The State Rep. By
Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
Crime No.292 of 2018.

...Respondent/Complainant

Prayer:Criminal Appeal filed under Section 14A (2) of SC & ST (Prevention of Atrocities) Act, to set aside the order dated 29.01.2018 in Crl.M.P.No.2 of 2019 on the file of the Principal District and Sessions Judge, Tiruvannamalai and to enlarge the appellant on bail in connection with Crime No.292 of 2018 on the file of the respondent police by allowing this Criminal Appeal.

For Appellant : Mr.S.Panneerselvam

For Respondent : Mr.R.Ravichandran
Govt. Advocate (Crl.Side)

JUDGMENT

The Criminal Appeal has been filed by the appellant under Section 14A (2) of SC & ST (Prevention of Atrocities) Act, to set aside the order dated 29.01.2018 in Crl.M.P.No.2 of 2019 on the file of the Principal District and Sessions Judge, Tiruvannamalai and to enlarge the appellant on bail in connection with Crime No.292 of 2018 on the file of the respondent police by allowing this Criminal Appeal.

2.The case was registered by the respondent police against the appellant and yet another accused. The appellant herein is arrayed as Accused No.2 in Crime No.292 of 2018 for the offence under Section 302, 201, 34 IPC r/w. Section 3(2)(V) of the SC/ST (Prevention of Atrocities) Amendment Act 2015. The investigation

is completed.

3.The learned counsel for the appellant would submit that the appellant filed a petition under Section 439 of Cr.P.C. in Cr1.M.P.No.2 of 2019 on the file of the Principal District and Sessions Judge, Thiruvannamalai, for bail. Though, the learned Sessions Judge already released the co-accused i.e. Accused No.1 on bail much earlier, however, rejected the bail petition filed by the appellant herein. Hence, this Appeal.

4.The learned Government Advocate (Cr1. Side) would submit that there is specific overtact against the appellant. The learned Government Advocate would further admit that the Accused No.1 was already enlarged on bail and the bail application for the appellant / Accused No.2 is rejected by the learned Sessions Judge. Investigation is completed.

5.Heard both sides. Perused the records.

6.The date of offence took place on 15.06.2018 and the accused were arrested on 16.06.2018, till now the charge sheet also filed. Considering the fact that one of the accused who was equally contributed in the involvement of the offence was released on bail and the petition filed by the appellant herein was rejected by the Sessions Judge without any reasons.

7.Accordingly, the appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tiruvannamalai 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 appellant shall report before the Special Court daily at 10.30 a.m. till the disposal of the case.

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

(d)the appellant 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;

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

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

ebsi/kas

To

1. The Judicial Magistrate No.I, Thiruvannamalai.
 2. -do- through' The Chief Judicial Magistrate, Thiruvannamalai District.
 3. The Principal District and Sessions Judge, Tiruvannamalai.(SC & ST Act)
 4. The Superintendent, Central Prison, Vellore.
 5. The Inspector of Police, Kalasapakkam Police Station, Tiruvannamalai District.
 - 6.The Public Prosecutor, High Court of Madras, Chennai 600 104.
 7. The Section Officer, Criminal Section, High Court of Madras, Chennai 600 104.
- +1cc to Mr.S.Panneerselvam, Advocate SR.No.18580

Cr1.A.No.119 of 2019

EV(CO)
GMY(05/03/2019)