

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.A.No.266 of 2019

K.Venkataraman @ Venkatesan

... Petitioner

-Vs-

State rep. by its
The Inspector of Police,
Tirutani Police Station,
Thiruvallur District
(Crime No.153 of 2019)

... Respondent

Prayer: Criminal Appeal petition is filed under Section 14-A of the SC/ST (Prevention of Atrocities) Act 1989, to set aside the order passed by the Learned Principal Sessions Judge for Special Court for exclusive trial of cases registered under Prevention of Atrocities Act 1989, Thiruvallur in Crl.M.P.No.2163 of 2019 dated 30.04.2019 and enlarge the appellants on bail concerned in Crime No.153 of 2019 on the file of Inspector of Police, Tiruthani Police Station, Thiruvallur District.

For Appellant : Mr.C.Punniyakotti

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

This appeal has been filed against the dismissal of the bail petition by the Principal Sessions Judge, Tiruvallur. The respondent police arrested the petitioner on 22.02.2019 for the alleged offences under Sections 504, 505 (1)(b) IPC, Section 67 of IT Act, read with Section 3(1)(v) SC/ST POA Amendment Act 2015 in Crime No.153 of 2019.

2.The case of the prosecution is that there was a voice message which was spread in the social media making reckless comments about a particular caste, which resulted in tension in and around the village. Enraged by the same, the petitioner is said to have attacked the deceased who had spread that voice message, resulting in the death of the deceased.

3. A separate FIR was registered in that case in Crime No.154 of 2019. Apart from that, the present FIR has been registered for the above said offences.

4. The learned Counsel/appellant for the appellant submitted that a false case has been foisted against the petitioner and the petitioner has nothing to do with the alleged offence. The learned Counsel further submitted that the petitioner was arrested and remanded to judicial on 22.02.2019 and he has already suffered incarceration for more than 77 days.

5. The learned Additional Public Prosecutor submitted that the investigation has already been completed and a final report has already been filed by the respondent police. The learned Counsel further submitted that there is one other case registered against the petitioner in Crime No.154 of 2019.

6. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioner has already suffered incarceration for more than 77 days and the respondent police having already completed the investigation and filed a final report, this Court is inclined to interfere with the order of the Court below by setting aside the same and grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner 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, each for a like sum to the satisfaction of the learned Sessions Judge for Special Court for exclusive trial of cases registered under Prevention of Atrocities Act 1989, Thiruvallur, and on further conditions 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the

conditions have been imposed and

the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. In the result, this Criminal Appeal is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Principal District Sessions Judge,
for Special Court for Exclusive
Trial of cases registered under
Prevention of Atrocities Act,
Thiruvallur.

2. The Inspector of Police,
Tirutani Police Station,
Thiruvallur District.

3. The Public Prosecutor,
High Court, Chennai - 104.

+1 cc to Mr.Punniyakotti, Advocate, Sr.No. 43473

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CSL/13.05.2019

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