

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.297 of 2019

Kandasamy

..

Appellant/Accused

Vs.

The State rep. by
Appakoodal Police Station,
Erode District.

..

Respondent/Complainant

Criminal Appeal filed under Section 14A (ii) of the SC/ST (Prevention of Atrocities) Act to set aside the order dated 15.05.2019 in Crl.M.P.No.716 of 2019 on the file of the Vacation Principal District and Sessions Court, Erode and to enlarge the appellant on bail in connection with Crime.No.68 of 2019 on the file of the respondent.

For Appellant : Mr.N.Chinnaraj

For Respondent: Mrs.P.Kritika Kamal,
Govt. Advocate (Crl. Side)

JUDGMENT

This appeal has been preferred seeking to set aside the order dated 15.05.2019 passed in Crl.M.P.No.716 of 2019 on the file of the Vacation Principal District and Sessions Court, Erode and to enlarge the appellant on bail in connection with Crime.No.68 of 2019 on the file of the respondent.

2. On the complaint lodged by Karan, the police registered a case in Crime No.68 of 2019, on 07.05.2019, under Sections 341, 294 (b), 323, 324 IPC and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 2015, against four accused including the appellant herein, who has been shown as Kandasamy (A2).

3. It is the case of the de facto complainant that the four accused intercepted him and asked him to get liquor and when he refused, Vellaiyangiri (A1) assaulted him with a stick.

4. The learned counsel for the appellant submitted that the appellant was arrested on 10.05.2019 and he is in custody since then. The appellant's bail application in Crl.M.P.No.716 of 2019

has been dismissed by the Trial Court on 15.05.2019, since, the bail application was premature.

5. On instructions, the learned Government Advocate submitted that the de facto complainant/injured has been discharged from the hospital.

6. Taking into consideration the nature of the allegations in the FIR and the fact that the appellant has been in incarceration from 10.05.2019, this Court is of the view that the appellant is entitled to the relief of bail.

7. Accordingly, the present criminal appeal is allowed and the order dated 15.05.2019 passed in CrI.M.P.No.716 of 2019 on the file of the Vacation Principal District and Sessions Court, Erode, is set aside and the appellant is ordered to be released on bail, on the following conditions:

(i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District and Sessions Court (Special Court under the SC/ST Act), Erode.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Judge, Erode, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) the appellant shall report before the respondent/police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

(iv) on breach of any of the aforesaid conditions, the learned Sessions Judge 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 Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

(v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

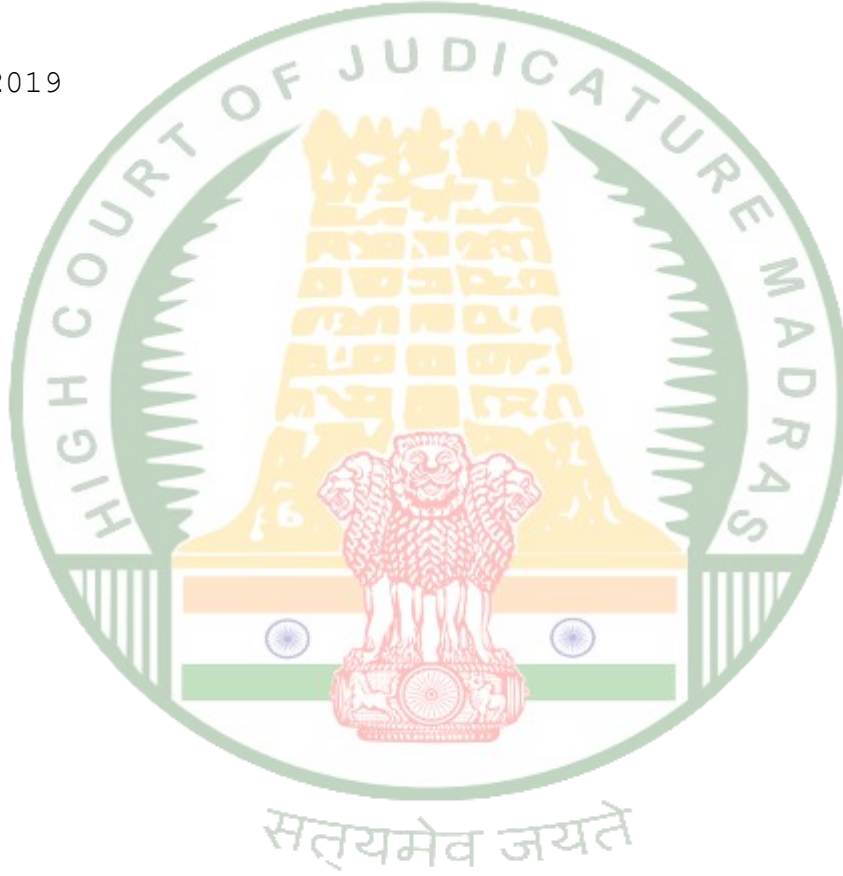
To

1. The Principal District and Sessions Judge,
Erode.
2. The Inspector of Police,
Appakoodal Police Station,
Erode District.

+lcc to Mr.N.Chinnaraj, Advocate sr.50875

Crl.A.No.297 of 2019

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