

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.304 of 2019

1.Palanisamy

2.Mohanasundaram

.. Appellants

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Erode Taluk Police Station,
Erode District.

Crl.M.P.No.744 of 2019

... Respondent

Criminal Appeal filed under Section 14A of the SC/ST (Prevention of Atrocities) Act to set aside the order passed by the Vacation Sessions Judge, Sessions Division, Erode in Crl.M.P.No.744 of 2019 dated 22.05.2019 dismissing the bail petition and release the appellant on bail in Cr.No.318 of 2019.

For Appellants : Mr.Deepan Uday

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

J U D G M E N T

This Criminal Appeal has been preferred by the appellants/A3 and A5 to set aside the order dated 22.05.2019 passed by the Vacation Sessions Judge (I Additional Sessions Judge), Erode in Crl.M.P.No.744 of 2019 dismissing the bail petition filed by the appellants in Crime No.318 of 2019.

2.It is the case of the de facto complainant that on account of previous enmity, A1 to A5 have attacked the de facto complainant with wooden log on 14.05.2019.

3.Learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital.

4.As regards the co-accused who are not the petitioners before this Court, certain directions under the SC/ST (POA) Act have been issued. Under such circumstances, this appeal is

allowed and the order dated 22.05.2019 passed by the Vacation Sessions Judge (I Additional Sessions Judge), Erode in CrI.M.P.No.744 of 2019 is set aside. Accordingly, the appellants are ordered to be released on bail on their 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 Principal Sessions Judge (Spl. Court for SC/ST Act cases), Erode and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

[b] the appellants shall sign before the Principal Sessions Judge (Spl. Court for SC/ST Act cases), Erode at 10.30 a.m. for a period of two weeks and thereafter, the appellants shall appear before the respondent police as and when required.

[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 Sessions Judge is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Sessions Judge 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 appellants thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1) The Sessions Judge,
Erode.
- 2) The Vacation Sessions Judge/I Additional
Sessions Judge,
Erode

- 3) The Inspector of Police,
Erode Taluk Police Station,
Erode District.
- 4) The Superintendent of Police,
Central Prison, Coimbatore.
- 5) The Judicial Magistrate -I,
Erode.
- 6) The Public Prosecutor,
High Court, Madras-104.

+1 cc to Mr.Deepan Uday, Advocate, S.R.No.44786

CRL.A.No.304 of 2019

PM(CO)
SSM(04/06/2019)



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