

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.06.2019
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.354 of 2019

Sekar gounder @ Chandra Sekar

..

Appellant/Accused

Vs.

The State represented by
The Inspector of Police,
Avinashipalayam Police Station,
Avinashipalayam,
Tirupur District.

..

Respondent/Complainant

Criminal Appeal filed under Section 14-A (ii) of the SC/ST (Prevention of Atrocities) Act to set aside the order dated 11.06.2019 passed in Crl.M.P.No.682 of 2019 on the file of the Principal Sessions Court, Tirupur and to enlarge the appellant on bail in connection with Crime No.232 of 2019 on the file of the respondent.

For Appellant : Mr.P.M.Duraiswamy

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

JUDGMENT

This appeal has been preferred seeking to set aside the order dated 11.06.2019 passed in Crl.M.P.No.682 of 2019 on the file of the Principal Sessions Court, Tirupur and to enlarge the appellant on bail in connection with Crime No.232 of 2019 on the file of the respondent.

2. On the complaint lodged by Bhuvaneshwari, the police registered a case in Crime No.232 of 2019, on 26.05.2019, under Sections 294 (b), 323 and 506 (i) IPC and 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 the accused by name Sekar gounder, the appellant herein.

3. It is the case of the prosecution that on 26.05.2019, around 5.30 p.m., when the de facto complainant and her husband were proceeding in the motorbike, the accused came in a car, stopped and abused the de facto complainant referring to her caste.

4. Prima facie it appears that the accused hails from Tirupur and the complainant from Erode and there is no evidence to show that they knew each other before. It appears to be a case of road rage.

5. The learned counsel for the appellant submitted that the appellant was arrested on 27.05.2019 and he is in custody since then. The appellant's bail application in CrI.M.P.No.682 of 2019 has been dismissed by the Trial Court on 11.06.2019.

6. On instructions, the learned Government Advocate (CrI. Side) submitted that no one was injured.

7. Taking into consideration the nature of the allegations in the FIR and the fact that the appellant has been in incarceration from 27.05.2019, this Court is of the view that the appellant is entitled to the relief of bail.

8. Accordingly, the present criminal appeal is allowed and the order dated 11.06.2019 passed in CrI.M.P.No.682 of 2019 on the file of the Principal Sessions Court, Tirupur, 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 Sessions Court (Special Court under the SC/ST Act), Tirupur.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal Sessions Judge, Tirupur, 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 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 (CS)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Tirupur.

2. The Inspector of Police,
Avinashipalayam Police Station,
Avinashipalayam,
Tirupur District.

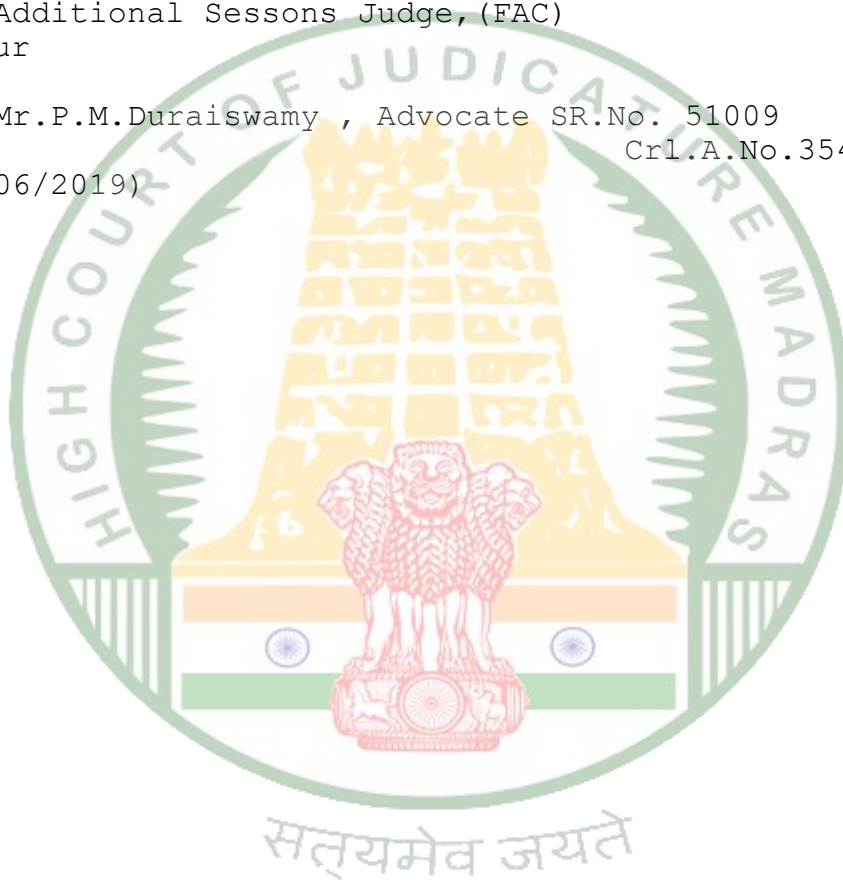
3. The Public Prosecutor,
High Court, Chennai - 104.

4. The I Additional Sessions Judge, (FAC)
Tiruppur

+1cc to Mr.P.M.Duraiswamy , Advocate SR.No. 51009

CrI.A.No.354 of 2019

A.SK(21/06/2019)



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