

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.447 of 2019

Karthi

..Appellant

Vs.

The State of Tamil Nadu
Rep. By the Inspector of Police
Vellakovil Police Station
Tiruppur District.

.. Respondent

Criminal Appeal filed under Section 14A (ii) of the SC/ST (Prevention of Atrocities) Act, to set aside the order dated 11.07.2019 passed by the Principal Sessions Judge, Tiruppur in Crl.MP.No.802 of 2019, dismissing the bail petition and release the appellant on bail in Crime No.350 of 2019.

For Appellant : Mr.Deepan Uday

For Respondent : Mr.G.Ramar
Govt. Advocate (Crl. Side)

JUDGMENT

This Criminal Appeal has been preferred seeking to set aside the order dated 11.07.2019 passed by the Principal Sessions Judge, Tiruppur in Crl.MP.No.802 of 2019 and to enlarge the appellant on bail in connection with Crime.No.350 of 2019 on the file of the respondent.

2. It is the case of the prosecution that on 21.06.2019, there was a quarrel between the father of the de facto complainant and the mother of this appellant, pursuant to which, it is alleged that the appellant had threatened the de facto complainant, assaulted him and abused him by referring his caste name. Therefore, the police registered a case in Crime No.350 of 2019 under Sections 294(b), 324, 506(ii) IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Amendment Act, 2015 and arrested the appellant on 27.06.2019. The bail petition filed by the appellant in Cr.MP.No.802 of 2019 has been dismissed by the Principal Sessions Judge, Tiruppur on 11.07.2019. Challenging the said order, the appellant is before this Court.

3. Heard Mr.Deepan Uday, learned counsel for the appellant

and Mr.G.Ramar, learned Government Advocate (Crl.Side) for the respondent.

4. The learned Government Advocate (Crl. Side) for the respondent submitted that the injured has been discharged from the hospital. He further submitted that there is no previous case against the appellant.

5. Taking into consideration the nature of the allegations in the FIR and the fact that the injured has been discharged from the hospital, this Court is of the view that the interest of justice will be served, if bail is granted to the appellant.

6. Accordingly, this Criminal Appeal is allowed and the order dated 11.07.2019 passed in Cr.M.P.No.802 of 2019 by the Principal Sessions Judge, Tiruppur, 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), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal Sessions Court, Tiruppur.

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

(iii) After release, the appellant shall report before the trial Court daily at 10.30 a.m. for a period of two 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 appellant in accordance with law, as if the conditions have been imposed and the appellant 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

mk

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Tiruppur.

2.The Inspector of Police
Vellakovil Police Station
Tiruppur District.

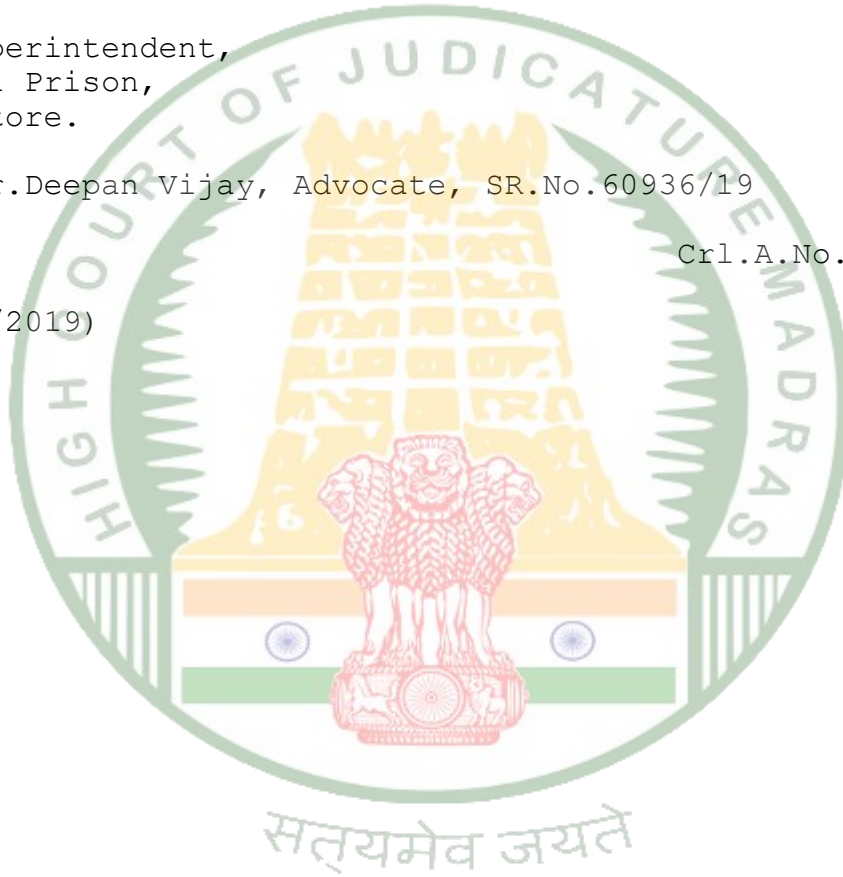
3.The Public Prosecutor
High Court, Madras.

4. The Superintendent,
Central Prison,
Coimbatore.

+lcc to Mr.Deepan Vijay, Advocate, SR.No.60936/19

Crl.A.No.447 of 2019

Kak(18/07/2019)



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