

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.A.No.544 of 2019

1.Senthil Kumar @ Sentil
2. Kothandan @ Naini ... Appellants/Accused

Vs.

State by Inspector of Police,
C-3 Manimangalam Police Station,
Kancheepuram District.
(Crime No.163/2019) ... Respondent/Complainant

PRAYER: This Criminal Appeal has been filed under Section 14 A of SC/ST Act, to set aside the order dated 30.07.2019 in Crl.MP.No.3930/2019 on the file of the learned Principal Sessions Judge, Chengalpattu and enlarge the Appellants on bail in Crime No.163 of 2019 on the file of the respondent police.

For Appellant : G.Mohana Krishnan
For Respondent : Mr.M.Mohamed Riyaz, APP

JUDGMENT

This Criminal Appeal has been filed, seeking to set aside the order, dated 30.07.2019, in Crl.MP.No.3930 of 2019, passed by the Principal Sessions Judge, Chengalpattu and to enlarge the appellants/A1 and A2 on bail in Cr.No.163 of 2019, on the file of the respondent Police for the offences under Sections 341, 294(b), 324, 307 IPC, later altered to Sections 341, 294(b), 324, 302 IPC read with 3(2)(Va) of the SC/ST (POA) Act.

2. The case of the prosecution is that on 07.07.2019 at around 8.30 p.m. while the defacto complainant along with his friend Pushparaj were returning back to their house, the accused have waylaid and wrong fully restrained them and abused them in a filthy language and assaulted them with bricks, due to which the defacto complainant and his friend Pushparaj sustained injuries and the said Pushparaj was taken to the hospital and while he was under treatment, he succumbed to the injuries.

3. The learned counsel for the petitioners submit that the incident had occurred during a sudden quarrel and that there was no enmity between the parties. He would also submit that the incident did not occur on account of communal dispute. He would also submit that the petitioners are suffering incarceration for about 58 days and that there are no previous cases against them and the major part of the investigation is also over.

4. The learned counsel for the defacto complainant / intervenor would submit that the petitioners and the victims belong to the same village and the petitioners are aware that the defacto complainant and the victim belong to the Scheduled Caste community.

5. The learned Additional Public Prosecutor would submit that the investigation is pending and that since the accused and the victims belong different communities from the same Village, there is tension in the Village.

6. Taking into consideration the facts and the submissions made by the counsels, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on condition that each of the petitioners shall execute 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 Principal Sessions Judge of Kancheepuram District at Chengalpattu, and on further condition that:

[a]The petitioners shall stay at Madurai and report before the Inspector of Police, Thallakulam Police station daily at 10.30 am and the petitioners shall not enter into the scene Village, until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
Assistant Registrar(CS VI)

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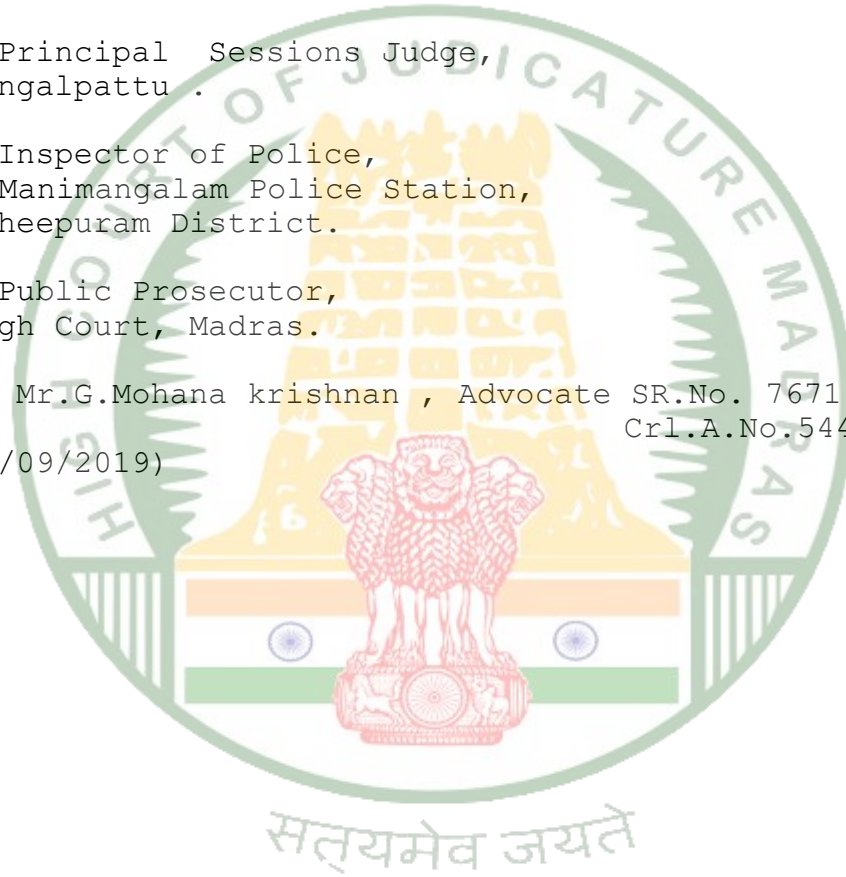
Sub Assistant Registrar

hvk/jrs

To

1. The Principal Sessions Judge,
Chengalpattu .
2. The Inspector of Police,
C-3 Manimangalam Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Mohana krishnan , Advocate SR.No. 76716
Crl.A.No.544 of 2019
A.SK(06/09/2019)



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