

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
Crl.A.No.556 of 2019

Pannir
S/o.Ranganathan

..Appellant

Vs.

State Rep. by Station House Officer
Avalurpettai Police Station
Villupuram District.

..Respondent

Criminal Appeal preferred under Section 14(A) (2) of the SC/ST Act, 1989, seeking to set aside the order passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, Villupuram District in Crl.MP.No.1391 of 2019 dated 21.08.2019 and enlarge the appellant on bail in Crime No.113 of 2019 pending on the file of the Station House Officer, Avalurpet Police Station, Villupuram District.

For Appellant : Mr.E.Kannadasan

For Respondent: Mr.G.Ramar

Government Advocate (Crl. Side)

J U D G M E N T

This appeal has been preferred seeking to set aside the order dated 21.08.2019 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, Villupuram District in Crl.MP.No.1391 of 2019 and enlarge the appellant on bail in Crime No.113 of 2019 pending on the file of the Station House Officer, Avalurpet Police Station, Villupuram District.

2. It is the case of the prosecution that the appellant got married to the deceased Rani 15 years back; on 18.05.2019, there was a quarrel between them, in which, it is alleged that the appellant had hit her with a stone; pursuant to which, a case in Crime No.113 of 2019 under Sections 294(b) and 307 IPC was registered on 19.05.2019 against the appellant; Rani died after 3 days and therefore, the case was altered to one under Section 302 IPC; the appellant was arrested on 20.05.2019 and is in incarceration since then.

3. The bail petition filed by the appellant in CrI.MP.No.1391 of 2019 before the Special Court for Exclusive Trial of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, has been dismissed on 21.08.2019.

4. The learned Government Advocate (CrI. Side) appearing for the respondent-State submitted that the investigation has been completed.

5. Taking into consideration the nature of the allegations against the appellant, this Court is of the view that the interests of justice will be served, if bail is granted to the appellant.

6. Accordingly, this Criminal Appeal is allowed and the order dated 21.08.2019 passed by the Sessions Judge, Special Court for Exclusive Trial of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, is set aside. The Appellant is directed to be released on bail on the following conditions:

(a) The appellant is ordered to be released on bail on he executing 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 Sessions Judge, Special Court for Exclusive Trial of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for Exclusive Trial of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) The appellant shall appear before the trial Court daily at 10.30 a.m. for a period of two weeks.

(d) 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].

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

29.08.2019

Internet : Yes/No

Index : Yes/No

Speaking/Non-speaking order

mk

Note: Issue order copy on 30.08.2019

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases registered
under the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989, Villupuram,
Villupuram District.
2. The Station House Officer
Avalurpettai Police Station
Villupuram District.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.E.Kannadasan , Advocate SR.No. 74822

Crl.A.No.556 of 2019

A.SK(30/08/2019)

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