

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No. 662 of 2019

1.Ganesan

2.Muniraj .. Petitioner / Appellants
/ A-1 & A-2

Vs.

1. State rep.by
Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

2.Santhakumar ..Respondents
/ Defacto Complainant

Criminal Appeal filed under Section 14 (A) of the Scheduled Castes and Schedule Tribes Amendment Act, 2015 to set aside the order passed by the learned Sessions Judge for Special Court for exclusive trial of cases registered under the Prevention of Atrocities Act, 1989, Krishnagiri, passed in Crl.M.P.No.1887 of 2019 dated 24.09.2019 and enlarge the appellants on bail, in Crime No.227 of 2019 on the file of Inspector of Police, Denkanikottai Police Station, Krishnagiri District.

For Appellants : Mr.G.Punniakotai

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor [for R1]

No Appearance [for R2]

J U D G M E N T

This Criminal Appeal has been filed by the appellants/accused to set aside the order passed by the

learned Sessions Judge for Special Court for Exclusive Trial of Cases, registered under the Prevention of Atrocities Act, 1989, Krishnagiri, passed in CrI.M.P.No.1887 of 2019 dated 24.09.2019 and to enlarge the appellants on bail, in Crime No.227 of 2019 on the file of Inspector of Police, Denkanikottai Police Station, Krishnagiri District.

2. The case of the prosecution as per the defacto complainant / SanthaKumar is that he is the student, studying B.Com in Krishna College, Krishnagiri. On 15.09.2019 his friend Latha had come to his village to visit him. At that time, the petitioners / accused persons belonging to the other community in the village were drinking near the road and they have waylaid the friend of the defacto complainant and abused her with filthy language. The said Latha called the defacto complainant and the defacto complainant had gone there and questioned why they have abused his friend Latha. At that time, the accused have also threatened and abused the defacto complainant. When the family members of the defacto complainant had questioned the accused, they have abused them calling by caste name and have also threatened to kill them and thereafter, trespassed into the house of the defacto complainant and caused damage to the door and window. Based on the complaint given by the defacto complainant, a case in Crime No.227 of 2019 was registered by the first respondent / police under Sections 147, 448, 427, 323, 506(i) IPC and Sec 3(1)(r) & 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act 2015. The appellants are A1 and A2 and they have filed an application for bail in CrI.M.P.No.1887 of 2019 before the learned Sessions Judge for Special Court for Exclusive Trial of Cases registered under the Prevention of Atrocities Act, 1989, Krishnagiri and the same was dismissed on 24.09.2019. Against the dismissal of the bail application, the present Appeal has been filed.

3. The learned counsel for the appellants/accused would submit that due to the communal dispute between the parties, a false complaint has been given. The appellants/accused were arrested on 17.09.2019 and that they are in incarceration for almost one month. He would submit that the investigation of the case is over.

4. Notice was ordered to the second respondent/defacto complainant. Private notice was taken and Affidavit Of Service has been filed. There is no representation for the

defacto complainant.

5. The learned Additional Public Prosecutor would submit that intimation has been given to the second respondent / defacto complainant. He would submit that the appellants / accused, who belong to upper caste had abused the friend of the defacto complainant, who belongs to the Schedule Caste community, who had come to see the defacto complainant at his residence and the appellants/accused had also abused the defacto complainant and his parents and threatened to do away with them. He would further submit that the investigation is still pending.

6. Taking into consideration the facts and circumstances of the case and that the appellants/accused were arrested on 17.09.2019 and that major part of the investigation is over. This Court is of the opinion that the appeal may be allowed and the petitioner be enlarged on bail.

7. In the result, the Criminal Appeal is allowed and the order of learned Sessions Judge, Special Court for exclusive trial of cases registered under the Prevention of Atrocities Act, 1989, Krishnagiri, passed in CrI.M.P.No.1887 of 2019 dated 24.09.2019, is set aside. appellants/accused are directed to be enlarged on bail subject to the following conditions:

- i. Each of the appellants/ accused 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 Sessions Judge, Special Court for exclusive trial of cases registered under the Prevention of Atrocities Act, 1989, Krishnagiri.
- ii. The appellants/accused shall report before the respondent police every day at 10.30 a.m., until further orders.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bri

To

1. The Sessions Judge for Special Court
for exclusive trial of cases,
Krishnagiri.
2. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
3. The superintendent, central prison, salem
4. The Public Prosecutor, High Court, Madras - 104.

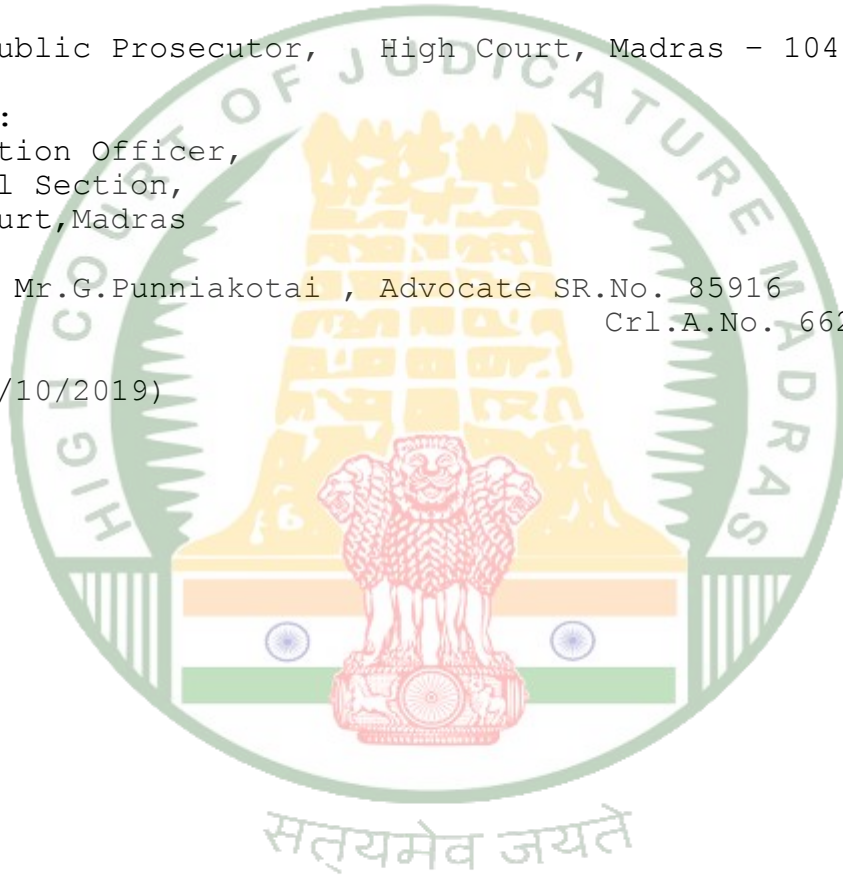
Copy to:

The Section Officer,
Criminal Section,
High Court, Madras

+1cc to Mr.G.Punniakotai , Advocate SR.No. 85916

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A.SK(15/10/2019)



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