

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM:

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

Crl.A.No.678 of 2019

Sarasu

... Appellant/Accused

Vs.

1. State rep by

The Deputy Superintendent of Police,
Tiruchengode Police Station,
Namakkal, Namakkal District.
(Crime No. 814/2013)

...1st Respondent/Complainant

2. Karuppan @ Karuppannan

...2nd Respondent/Defacto

complainant

PRAYER: The Criminal Appeal has been filed by the appellant/A-1, seeking to set aside the order dated 23.09.2019, made in Crl.M.P.No.64/2019 in S.C.No.20/2018, by the Special Court for SC & ST (POA) Act Cases, Namakkal and enlarge the appellant on bail in Cr.No.814/2013 on the file of the respondent police.

For appellant : Mr.W.Camyles Gandhi

For Respondents: Mr.M.Mohamed Riyaz, APP, for R1

O R D E R

The criminal appeal has been filed by the appellant/A1, seeking to set aside the order, dated 23.09.2019, made in Crl.M.P.No.64/2019 in S.C.No.20/2018, by the Special Court for SC & ST (POA) Act Cases, Namakkal.

2 This Court heard the learned counsel for the appellant and the learned Additional Public Prosecutor for the 1st respondent.

3 The case of the prosecution is that on 21.09.2013, the de facto complainant was doing job in vacant land and at that time, the appellant came to that place and abused him in filthy language using his caste name and also threatened him with dire consequences. Based on the complaint given by the de-facto complainant, a case in C.No.814/2013 was registered under Section 294 (b) of IPC and Section 3(1)(x) of SC/ST (POA) Act, and after completion of investigation the case has been taken up

for trial in S.C.No.20/2018 on the file of the Special Court for SC & ST (POA) Act Cases, since, the petitioner did not appear before the Trial Court on 04.07.2019, the Trial Court had issued Non Bailable Warrant pursuant to which, the petitioner was arrested on 12.09.2019 and she is in judicial custody. The petitioner had applied for bail before the Trial Court in CrI.M.P.No.64/2019 and the Trial Court by order dated 23.09.2019 had dismissed the same. Against which the present Criminal Appeal has been filed.

4 The learned counsel for the appellant/A1 would submit that due to illness, the petitioner could not appear before the Court, on 04.07.2019 and that she was also unable to inform her counsel and thereby, the Trial Court had issued Non Bailable Warrant against her on the same day and the petitioner was arrested on 12.09.2019 and she is in judicial custody. The learned counsel would further submit that the case was posted to 21.10.2019, for cross examination of P.Ws.1 to 4 and would submit that if the petitioner is not granted bail she would be instruct her counsel effectively cross examine the witnesses and would submit that the petitioner is prepared to abide any stringent condition that may be imposed by the Trial Court and would seek for bail.

5 The learned Additional Public Prosecutor would submit that the petitioner did not appear before the court on 04.07.2019, and thereby, the Trial Court issued Non Bailable Warrant, pursuant to which, the petitioner was arrested on 12.09.2019, by the respondent police and now she is in judicial custody in Central Prison for Women, Salem.

6 Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this criminal appeal is allowed and the Appellant/A1 is ordered to be enlarged on bail on the following conditions:-

- i. The Appellant/A1 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 Special Court for SC & ST (POA) Act Cases, Namakkal.
- ii. The Appellant/A1 shall report before the Trial Court every day at 10.30 a.m., for a period of one week and thereafter, on all hearing dates without fail.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Special Court for SC & ST
(POA) Act Cases, Namakkal

2.The The Deputy Superintendent of
Police,Tiruchengode Police Station,
Namakkal, Namakkal District.

3. The Central Prison for Women,
Salem.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.W.Camyles Gandhi, Advocate, SR.No.85785

Cr1.A.No.678 of 2019

Kak(14/10/2019)



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