



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.768 of 2019

Sathishkumar

.. Appellant / Accused

Vs.

1. State rep. by
Inspector of Police,
Puduchatram Police Station,
Namakkal, Namakkal District.
(Crime No.154 of 2019)

.. 1st Respondent /
Complainant

2. Arasan

.. 2nd Respondent /
Defacto Complainant

* * *

Prayer: Criminal Appeal filed under Section 14-A of the Schedule Caste and Scheduled Tribe Act (Prevention of Atrocities Amendment Act 2015 read with Section 374(3) of the Code of Criminal Procedure praying to set aside the order passed in bail petition in C.M.P.No.113 of 2019 in Cr.No.154/2019 dated 31.10.2019 on the file of Special Court for SC & ST (POA) Act Cases, Namakkal, and enlarge the appellant on bail pending trial of the said case.

* * *

For Appellant : Mr.W.Camyles Gandhi

For Respondents: Mr.K.Prabhakar,
Additional Public Prosecutor for R1

J U D G M E N T

Challenging the order of rejection of bail petition, the appellant instituted this appeal.

2. According to the appellant, he was implicated in Crime No.154 of 2019 on the file of the first respondent police based on the alleged complaint given by the second respondent / defacto complainant for the offences under Sections 505(2) IPC read with Section 3(1)(s) and 3(1)(r) and 3(1)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Amendment Act, 2015. The F.I.R. in Cr.No.154/2019 is pending on the file of the Special Court for SC & ST (POA) Act Cases, Namakkal till date. On 23.10.2019, when the appellant surrendered before the Trial Court with bail petition as per the direction of this Court in Crl.O.P.No.25065/2019 dated 17.9.2019, the learned Trial Judge dismissed his bail application and remanded him to judicial custody on the same day.

3. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor.

4. Considering the facts and circumstances of the case and particularly the fact that the Charge Sheet is yet to be filed, this Court is inclined to set aside the impugned order and grant bail to the appellant. Accordingly, the appellant is directed to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum, out of which one should be a blood relative and another should be a Government Servant, to the satisfaction of the trial Court and on further condition that the appellant shall file an affidavit that he will not indulge in any such unlawful activities in future and also on condition that the appellant shall appear before the respondent police everyday at 10.30 a.m. in the morning and 5.00 p.m. in the evening without fail until further orders. If he fails to appear before the respondent, it is for the respondent to secure his presence and send him to custody.

5. This appeal is allowed to the extent indicated above.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Judicial Magistrate,No.II, Namakkal

3.The superintendent ,Central Prison, Salem.

4. The Inspector of Police,
Puduchatram Police Station,
Namakkal, Namakkal District.

5.The Public Prosecutor, High Court, Madras - 104.

+1cc to Mr.W.Camyles Gandhi , Advocate SR.No. 103623

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A.SK(13/12/2019)