

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.776 of 2019

D.Kannan .. Appellant / Accused

Vs.

1. State rep. by
Inspector of Police,
Mallasamudram Police Station,
Namakkal District.
(Crime No.339 of 2019) .. 1st Respondent /
Complainant
2. Kandasamy .. 2nd Respondent /
Defacto Complainant

Prayer: Criminal Appeal filed under Section 14-A of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 read with Section 294(b), 323, 354 of IPC r/w Section 3(1)(r) and 3(1)(s) and 3(2)(va), 3(1)(j) of SC/ST (POA) of the Code of Criminal Procedure praying to set aside the order passed in Crl.M.P.No.109 of 2019 on the file of the Sessions Judge, Special Court for SC&ST (POA) Act, 1989, Namakkal in Crime No.339 of 2019 on the file of the respondent police and grant bail to the appellant in Cr.No.339 of 2019 pending investigation of the respondent Police.

For Appellant : Mr.S.Kalyanaraman

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

Mr.E.D.Sethupathi for R2

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 as an accused in Crime No.339 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 294-b, 323, 354 IPC read with Section 3(1)(r), 3(1)(s), 3(2)(v) and 3(1)(j) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The F.I.R. in Cr.No.339/2019 is pending on the file of the Special Court for SC & ST (POA) Act Cases, Namakkal till date. In this connection, the appellant was arrested and remanded to judicial custody on 20.10.2019.

3. Heard the learned counsel for the appellant, learned Additional Public Prosecutor for the 1st respondent State and the learned Counsel for the 2nd respondent.

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.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

tsi
To

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

2. The Inspector of Police,
Mallasamudram Police Station,
Namakkal District.

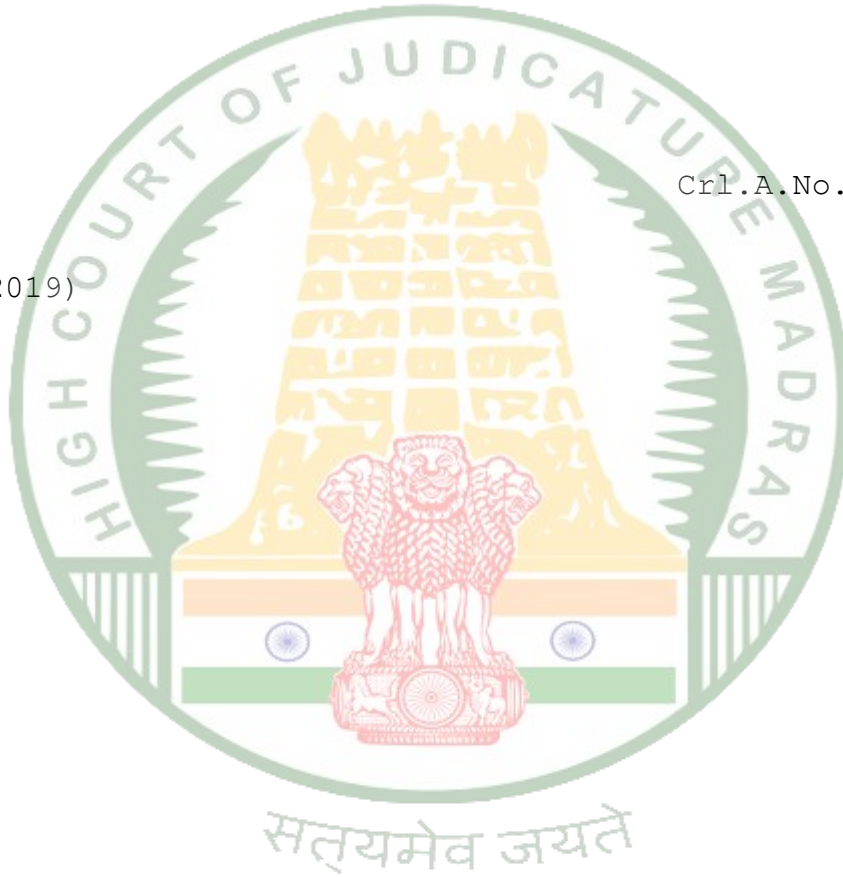
3. The Public Prosecutor,
Madras High Court, Chennai-104.

Copy to
The Section officer
Criminal Section
High Court, Madras 104.

+1 CC to Mr.S.Kalyanaraman, Advocate sr 104718
+1 CC to Mr.E.D.Sethupathi, Advocate sr 105115.

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LN(CO)
SP(18/12/2019)



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