

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.833 of 2019

1. Ezhumalai
2. Chinnathambi
3. Venkatesan

... Appellants / Accused 1 to 3

Vs.

1. State rep. by
Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.202 of 2019)

.. 1st Respondent /
Complainant

2. Kaliappan

.. 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 against the order dated 21.11.2019 passed by the learned Principal Sessions Judges, Dharmapuri, in Cr.M.P.No.1771 of 2019.

* * *

For Appellant : Mr.M.Jayachandran

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 appellants are before this Court in this appeal.

2. According to the appellants, they were falsely implicated in Crime No.202 of 2019 on the file of the first respondent police for the offences under Sections 147, 148, 427, 323, 324 and 506 (ii) IPC and also Sections 3(2)(Va) of the Schedule Caste and Scheduled Tribe Act (Prevention of Atrocities Amendment Act 2015 and they are innocent.

3. Learned counsel for the appellants submitted that the appellants have been falsely implicated in this case and they were arrested and remanded to judicial custody on 28.10.2019. It is also submitted that the persons belonging to the accused party also sustained injuries and they were admitted and treated in the Government Hospital, Dharmapuri. It is also contended that the learned Sessions Judge dismissed their bail application vide the impugned order dated 21.11.2019 without considering the fact that there was a counter-case and the victims were discharged from the hospital.

4. Heard the learned Additional Public Prosecutor on the above submissions. It is his contention that this is a case in counter due to communal clash between two communities and the appellants herein allegedly caused damage to the properties belonging to the defacto complainant party. He submits that in order to ensure the peace and harmony in the village, some stringent conditions may be imposed.

5. It is not in dispute that this is a case in counter and the persons belonging to the accused party also sustained injuries and after treatment, they were discharged from the hospital. The counter case was registered against the de facto complainant party in Crime No.201 of 2019. The appellants were remanded to judicial custody on 28.10.2019 and they have been confined in the Central Prison, Salem.

6. Considering the facts and circumstances of the case and also the fact that the victims were discharged from the hospital, this Court is inclined to set aside the impugned order and grant bail to the appellants. Accordingly, the appellants are directed to be released on bail on the following conditions :

- a) The appellants are directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each along with two sureties, of whom one should be a blood relative, for a like sum to the satisfaction of the learned Principal Sessions Judge, Dharmapuri;
- b) The appellants and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Principal Sessions Judges, Dharmapuri, may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The appellants shall stay at Madurai and sign before the Inspector of Police, Anna Nagar Police Station, Madurai, daily at 10.30 a.m. until further orders.

d) The appellants shall deposit a sum of Rs.10,000/- to the credit of Crime No.202 of 2019 on the file of the learned Principal Sessions Judge, Dharmapuri.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Dharmapuri.
2. The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
3. The Public Prosecutor,
Madras High Court, Chennai-104.

+1cc to Mr.M.Jayachandran, Advocate sr.103162

CrI.A.No.833 of 2019

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nr 12/12/2019

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