

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.834 of 2019

Raju @ Rajendran

... Appellant / Accused

Vs.

1. State rep. by
Inspector of Police,
Jedarpalayam Police Station,
Namakkal, Namakkal District.
(Crime No.219 of 2014)

... 1st Respondent /
Complainant

2. Ajith

... 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.87 of 2019 in S.C.No.66 of 2016 dated 15.10.2019 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.219 of 2014 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) and 324 IPC read with Section 3(1)(r), (s), 3(2)(Va) of the Schedule

Caste and Scheduled Tribe Act (Prevention of Atrocities Amendment Act 2015. After filing of the charge sheet, the trial is pending in S.C.No.66 of 2016 on the file of the Special Court for SC & ST (POA) Act Cases, Namakkal. Though he was regular in appearing before the Trial Court, on 03.09.2019 owing to viral fever, he failed to appear before the Court and instruct his counsel to file a petition under Section 317 of Cr.P.C. In view of the same, Non-Bailable Warrant (NBW) was issued against him, upon which he was arrested on 10.09.2019 and remanded to judicial custody.

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

4. Indisputably, the appellant had been appearing before the trial Court. Due to his non-appearance on only one occasion due to ill-health, i.e., on 03.09.2019, NBW was issued by the Trial Court and upon arrest, he was remanded to judicial custody. Considering the facts and circumstances of the case, 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 likesum to the satisfaction of the trial Court and on further condition that the appellant shall appear before the trial Court on all the dates of hearing without fail. If he fails to appear for trial before the Court, it is for the Trial Court to secure his presence and send him to custody.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

gg

To

1. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal, Namakkal District.

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

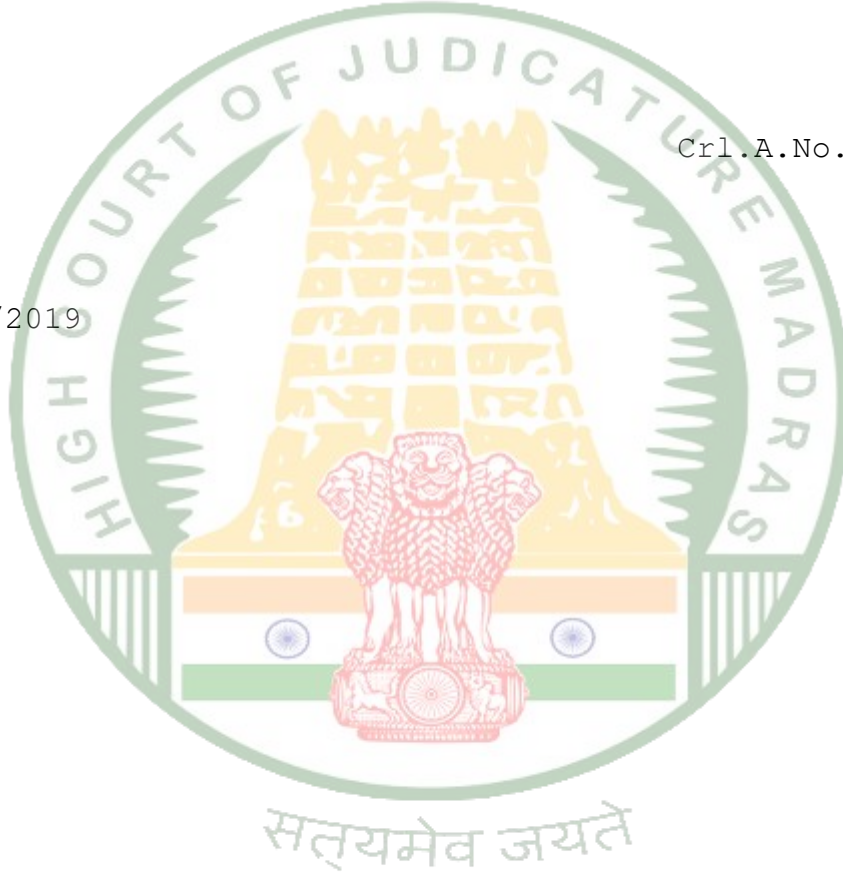
3. The Sessions Judge,
Special Court for SC/ST (POA) Act Cases,
Namakkal.

4. The Superintendent,
Central Prison, Salem.

+1cc to M/s.W.Camyles Gandhi, Advocate Sr.101783

Cr1.A.No.834 of 2019

vd[col]
srg 06/12/2019



WEB COPY