

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.874 of 2019

Suresh

.. Appellant / Accused No.5

Vs.

State rep. by Deputy Superintendent of Police,
Magudanchadi Police Station,
Sankari Sub Division, Salem District.
(Crime No.399 of 2018)

.. Respondent / Complainant

Prayer: Criminal Appeal filed under Section 14-A of the Schedule Caste and Scheduled Tribe Act (Prevention of Atrocities Amendment Act 2015) praying to set aside the order dated 05.12.2019 passed by the learned Principal Sessions Judge, Salem, in C.M.P.No.3935 of 2019 in Crime No.399 of 2018 and enlarge the appellant on bail.

For Appellant : Mr.Uday
for M/s.Karan and Uday

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

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, without knowing the fact that the land in S.Nos.224 and 225/2 situated at Koodalur Village, Sankari Taluk, Salem District is panchami land, he purchased the said land from the defacto complainant, which originally belongs to the forefathers of the defacto complainant. It is claimed by the appellant that he was falsely implicated in Crime No.399 of 2018 on the file of the respondent police based on the alleged complaint given by the defacto complainant for the offences under Sections 420, 465, 468 and 471 IPC r/w Section 3(1)(f) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015. It is also claimed by the appellant that his name was not found in the First Information

Report. However, apprehending arrest, he filed CrI.O.P.No.24288 of 2019, wherein, this Court by order dated 10.09.2019 directed him to surrender before the trial Court and seek for bail, which was directed to be considered on the same day on merits. The time limit granted therein was extended on 15.11.2019 in CrI.O.P.No.16647 of 2019. Accordingly, the appellant surrendered before the trial Court and filed a petition for bail, which was rejected by the trial court vide the impugned order.

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

4. Considering the facts and circumstances of the case and having regard to the facts that the name of the appellant is not found in the FIR and he is the subsequent purchaser of the land in question and the entire allegations revolve around the property, which are borne out by the records and documents, 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 learned Judicial Magistrate No.IV, Salem and on further condition that the appellant shall appear before the respondent police daily at 10.30 a.m. until further orders.

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

gg

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

To

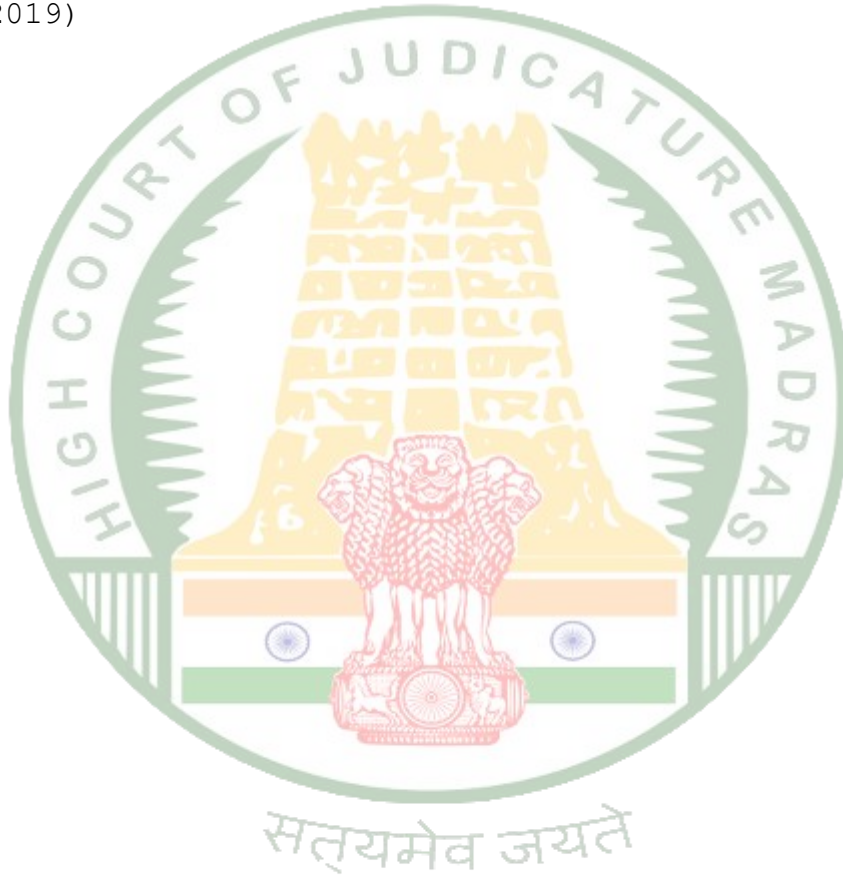
- 1.The Principal Sessions Judge,
Salem.
2. The Deputy Superintendent of Police,
Magudanchadi Police Station,
Sankari Sub Division, Salem District.
- 3.The Judicial Magistrate No.IV,
Salem.

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

+1cc to Mr.Karan and Uday, Advocate, S.R.No. 106823

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SS (CO)
GN (27/12/2019)



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