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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.23 of 2020

1.M.Sarala @ Sarala Devi

2.R.Madheswari .. Appellants / Accused 7 & 8

Vs.

1. State rep. by
the Inspector of Police,
Kannankurichi Police Station,
Salem District.
(Crime No.156 of 2019)

.. 1st Respondent /
Complainant

2. U.Kala

.. 2nd Respondent /
Defacto Complainant

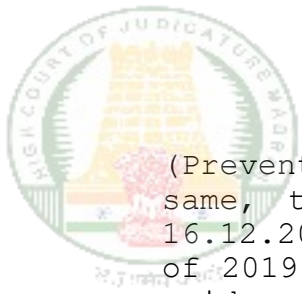
Prayer: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 read with Section 374(3) of the Code of Criminal Procedure praying to set aside the order dated 04.01.2020 passed by the Principal Sessions Judge, Salem in Crl.MP.No.4136 of 2019 and enlarge the appellants on bail pending investigation in Crime No.156 of 2019 on the file of the respondent.

For Appellants :Mr.T.Muruganantham

For R1 :Mrs.P.Kirtika Kamal, GA (Crl.Side)

J U D G M E N T

According to the appellants, they have been arrayed as accused 7 and 8 in Crime No.156 of 2019 on the file of the first respondent police, based on the complaint given by the second respondent / defacto complainant for the alleged offences punishable under Sections 147 and 506(i) IPC and Sections 3(1)(g) and 3(1)(r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Amendment Act, 2015. Pursuant to the same, they were arrested and remanded to judicial custody on 16.12.2019. Seeking bail, they filed a petition in CMP.No.4136 of 2019 before the Principal Sessions Judge, Salem. However, the said petition was dismissed vide order dated 04.01.2020. Challenging the same, the appellants have filed the present appeal.

2. The learned counsel for the appellants submitted that the appellants have been falsely implicated in this case and they have nothing to do with the alleged offence. He further submitted that out of 19 accused, fourteen accused were granted bail and one of the co-accused moved a quash petition in Crl.OP.No.11008 of 2019 before this Court and obtained an order of interim stay. Hence, the learned counsel sought indulgence of this Court to grant bail to the appellants.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the appellants have been in incarceration from 16.12.2019 and the case is under investigation.

4. Heard the learned counsel for the appellants and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

5. Considering the facts and circumstances of the case and also having regard to the facts that the appellants have been in incarceration from 16.12.2019; out of 19 accused, fourteen accused were granted bail; and one of the co-accused has got an order of interim stay in Crl.OP.No.11008 of 2019, this Court is inclined to grant bail to the appellants.

6. Accordingly, this appeal stands allowed by setting aside the order dated 04.01.2020 passed by the learned Principal Sessions Judge, Salem in CMP.No.4136 of 2019. The appellants are ordered to be enlarged on bail, subject to 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, Salem;
- b) The appellants and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Principal Sessions Judge, Salem may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.



c) The appellants shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, once in ten days until further orders.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Salem.
2. The Inspector of Police,
Kannankurichi Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court, Chennai-104.
- 4.The Superintendent,
Central Prison,Salem.

+1cc to Mr.T.Muruganantham , Advocate SR.No. 3995

CrI.A.No.23 of 2020

A.SK(22/01/2020)