

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.37 of 2020

S.Thirupathi

.. Appellant

Vs.

1. State rep. by
Inspector of Police,
Thammampatty Police Station,
Salem, Salem District.
(Crime No.158 of 2019)

.. 1st respondent/
1st respondent

2. Selvamani

.. 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 10.01.2020 passed by the Principal Sessions Judge, Salem in Crl.MP.No.110 of 2020 and enlarge the appellants on bail pending investigation in Crime No.158 of 2019 on the file of the respondent.

For Appellant : Mr.W.Camyles Gandhi

For R1 : Mr.K.Prabakar, APP
For R2 : Mr.Thirumurthy

J U D G M E N T

According to the appellant, he was arrayed as the second accused in Crime No.158 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 506(i) and 420 IPC r/w Sections 3(1) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Pursuant to the

same, he was arrested and remanded to judicial custody on 20.12.2019. Seeking bail, he filed a petition in CMP.No.110 of 2020 before the Principal Sessions Judge, Salem. However, the said petition was dismissed vide order dated 10.01.2020. Challenging the same, the appellant has filed the present appeal.

2.The case of the prosecution is that A1 and the appellant herein (A2) gave an assurance that they would arrange job in Dubai for the son of the defacto complainant by name Bakiyaraj, and received a sum of Rs.3,35,000/- from the defacto complainant, but they did not arrange the job as assured by them, due to which, the said Bakiyaraj committed suicide on 29.09.2019; further, the accused demanded a sum of Rs.1,00,000/- from the defacto complainant for getting death certificate from the Village Administrative Officer concerned; thereafter, the defacto complainant gave a petition to the District Collector and took the dead body to India and done last rites; on 25.10.2019 at about 6.00pm, when the defacto complainant was in Periyapakkalam Bus stand, the appellant abused her using her caste name and obscene words and threatened her, which resulted in the registration of the present case.

3.The learned counsel for the appellant submitted that the appellant has been falsely implicated in this case and he has nothing to do with the alleged offence; and he has been in incarceration from 20.12.2019. He further submitted that to show his bonafide, the appellant has produced a Demand Draft bearing No.439918 dated 30.01.2020 for a sum of Rs.2,00,000/- in favour of the defacto complainant. Hence, the learned counsel sought indulgence of this Court to grant bail to the appellant.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that as per the direction of this Court dated 05.12.2019 in Crl.OP.No.32832 of 2019, the appellant has surrendered before the trial Court on 20.12.2019 and filed bail application in CMP.No.4130 of 2019, but the said petition was dismissed and the appellant was remanded to judicial custody. He further submitted that the main accused is A1 and he is yet to be secured; and the investigation is pending.

5.Heard the learned counsel appearing for the second respondent/ defacto complainant, who strenuously opposed the relief sought in this petition.

6.Considering the facts and circumstances of the case and also having regard to the facts that the appellant has been in incarceration from 20.12.2019 and he is ready and willing to pay

the part of the claim, this Court is inclined to grant bail to the appellant, subject to certain conditions.

7. Accordingly, this appeal stands allowed by setting aside the order dated 10.01.2020 passed by the learned Principal Sessions Judge, Salem in CMP.No.110 of 2020. The appellant is ordered to be enlarged on bail, subject to the following conditions:

- a) The appellant is directed to deposit a sum of Rs.2,00,000/- (Rupees Two lakhs Only) before the trial court within a period of two weeks from the date of receipt of a copy of this order;
- b) On such deposit being made, the trial court shall redeposit the same in any Nationalised Bank in an interest bearing account. The disbursal of this amount shall be decided at the culmination of the case.
- c) After complying with the condition no.(i), the appellant is 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;
- d) 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.
- e) The appellant shall appear before the respondent police daily at 10.30 a.m. until further orders.

8. The learned Additional Public Prosecutor is directed to secure the first accused and complete the investigation as expeditiously as possible.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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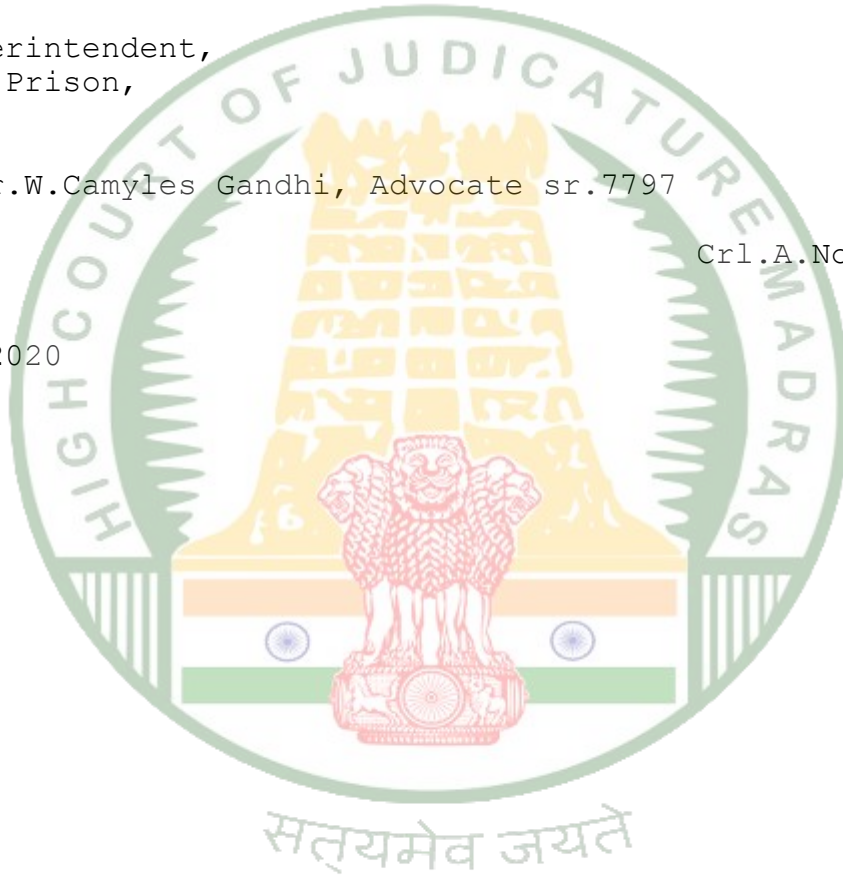
To

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

+lcc to Mr.W.Camyles Gandhi, Advocate sr.7797

Crl.A.No.37 of 2020

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