

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.68 of 2020

Mohankumar

.. Appellant

Vs.

1. State rep. by
Inspector of Police,
Namagiripet Police Station,
Namakkal, Namakkal District.
(Crime No.338 of 2019)

.. 1st respondent/
1st respondent

2. Sangeetha

.. 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 22.01.2020 passed by the Special Court for ST & ST (POA) Act cases, Namakkal in CMP.No.16/2020 in Spl.SC.No.16 of 2019 and enlarge the appellant on bail pending trial in SC.No.16 of 2019 on the file of the Special Court for SC & ST (POA) Act Cases, Namakkal.

For Appellant : Mr.W.Camyles Gandhi

For R1 : Mr.K.Prabakar, APP

J U D G M E N T

According to the appellant, he was implicated as accused in Crime No.338 of 2016 on the file of the first respondent police, based on the complaint given by the second respondent / defacto complainant in connection with the occurrence said to have been taken place in the year 2016. The said case was taken on file by the learned Special Judge, Special Court for SC & ST (POA) Act Cases, Namakkal, as Spl.SC.No.16 of 2019 and charges were framed against the appellant for the alleged offences punishable under Sections 294(b), 324 and 506(ii) IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. On 07.01.2010, when the case was taken up, the appellant was not present before the trial Court, due to illness, which resulted in issuance of Non-bailable warrant against him. Subsequently, he surrendered on 09.01.2020 for recall the warrant. Accepting the said surrender, he was remanded to judicial custody on 09.01.2020. Thereafter, he filed a petition in CMP.No.16/2020 seeking bail. However, the said petition was dismissed by the order impugned herein. Challenging the same, the appellant has filed the present appeal.

2.The learned counsel for the appellant submitted that the appellant was regularly appearing before the trial Court and on 07.01.2020, when the Sessions Case was taken up, he was not present, which resulted in issuance of NBW against him. According to the learned counsel, non-appearance of the appellant before the trial Court on the said day is neither wilful nor wanton, but only due to his illness. Without considering the said aspect in a proper perspective, the trial Court dismissed the bail petition filed by the appellant.

3.Conceding the fact that the appellant has been in incarceration from 09.01.2020, the learned Additional Public Prosecutor appearing for the first respondent has no serious objection in granting the bail to the appellant.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the appellant. Accordingly, this appeal stands allowed by setting aside the order impugned herein. The appellant is ordered to be enlarged on bail, subject to the following conditions:

R.MAHADEVAN, J.

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- a) 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 Special Court for SC & ST (POA) Act Cases, Namakkal;
- b) The appellants and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The appellant shall appear before the trial Court daily at 10.30a.m. until further orders.

05.02.2020

Index : Yes / No
Internet : Yes

Note : Issue order copy on 06.02.2020

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To

1. The Special Court for ST & ST (POA) Act cases, Namakkal.
2. The Inspector of Police,
Namagiripet Police Station,
Namakkal, Namakkal District.
3. The Public Prosecutor,
Madras High Court, Chennai-104.

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