

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.217 of 2020

Kumar

..Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2.State represented by
The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur.

(Crime No.81 of 2020)

..Respondents 1 & 2/Complainant

3. Rajasekaran

..3rd Respondent/Defacto Complainant

Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST Act") to set aside the order dated 07.04.2020 passed in O.L.B.P.No.69 of 2020 on the file of the Principal District and Sessions Court, Thiruvallur and to enlarge the appellant on bail in Crime.No.81 of 2020 on the file of the second respondent.

For Appellant : Mr.K.Thenrajan

For RR1 & 2 : Mr.K.Madhan

Govt. Advocate (Crl. Side)

JUDGMENT

This case is taken up through video conferencing.

2. This criminal appeal is filed to set aside the order dated 07.04.2020 passed in O.L.B.P.No.69 of 2020 on the file of the Principal District and Sessions Court, Thiruvallur and to enlarge the appellant on bail in Crime.No.81 of 2020 on the file of the second respondent.

3. Heard Mr.K.Thenrajan, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the first and second respondents. Private notice was taken on the third respondent. The learned counsel for the petitioner has filed affidavit of service.

4. It is the case of the prosecution that the appellant, Floor Manager of JIR Engineering Company, located in SIDCO, Thiruvallur, had engaged the services of some labourers to clean their septic tank on 06.03.2020; while they were cleaning, two of them died of suffocation.

5. On the complaint lodged by Rajasekaran, the police registered a case in Crime No.81 of 2020 on 06.03.2020 for the offences under Section 304(II) IPC, Section 9 of the Prohibition of Employment as Manual Scavenger & their Rehabilitation Act, 2013 and Sections 3(1)(i) and 3(2)(v) of the SC/ST Act, against the Management of JIR Engineering Company. The appellant, who was the Floor Manager of the said company, was arrested by the police on 07.03.2020 and was remanded in judicial custody.

6. In the meanwhile, JIR Engineering Company paid a sum of Rs.10,00,000/- each, to the families of the deceased and the State Government has also paid compensation to them.

7. The bail application filed by the appellant in O.L.P.B.No.69 of 2020 before the Principal District and Sessions Court, Thiruvallur, was dismissed on 07.04.2020, aggrieved by which, the present appeal was filed.

8. This Court, by order dated 16.04.2020, keeping in mind the COVID-19 pandemic situation, granted interim bail to the appellant for a period of four weeks and accordingly, the appellant is on bail now.

9. Taking into consideration the facts and circumstances of the case, this Court is of the view that interests of justice will be served if the interim bail that was granted by this Court on 16.04.2020 is made absolute.

10. Accordingly, the present appeal is allowed by setting aside the order dated 07.04.2020 passed in O.L.P.B.No.69 of 2020 on the file of the Principal District and Sessions Court, Thiruvallur and the appellant is ordered to be released on bail on the following conditions:

- (i) the appellant shall surrender before the Principal District and Sessions Court, Thiruvallur, within two weeks from the date of receipt of a copy of this order and thereafter, execute a bond for a sum of Rs.10,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District and Sessions Court, Thiruvallur;
- (ii) the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District and Sessions Judge, Thiruvallur, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iii) the appellant shall report before the respondent/police as and when required;
- (iv) on breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
- (v) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC; and
- (vi) if the appellant does not comply with the condition (i) above, the Principal District and Sessions Judge, Thiruvallur, may take him into custody.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

nsd

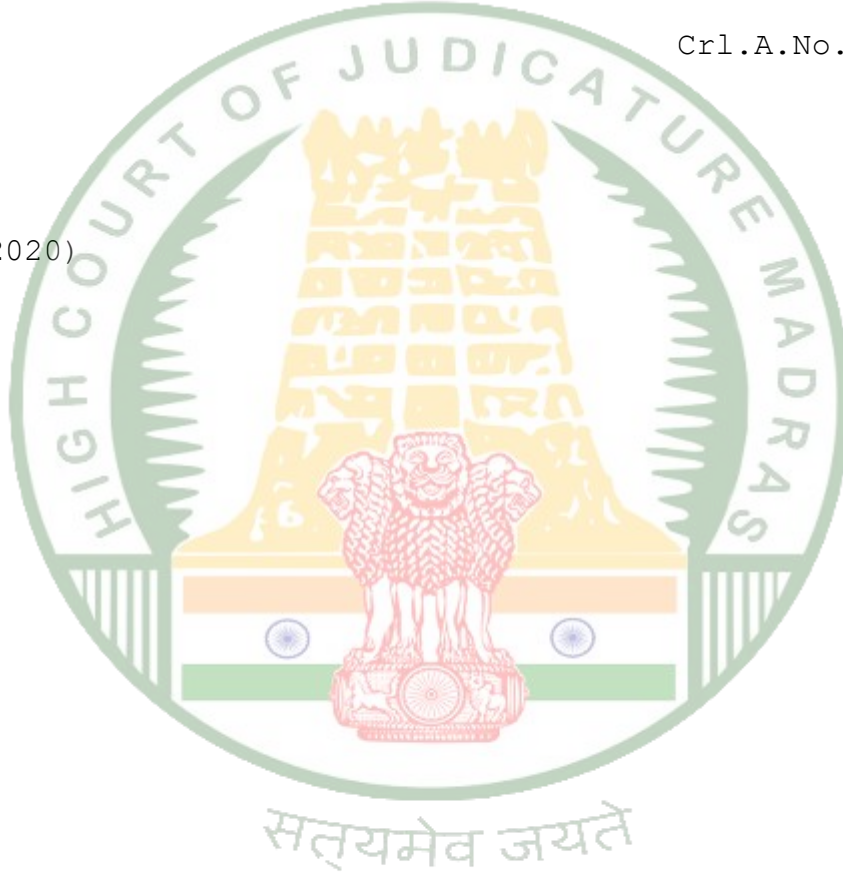
To

1. The Principal District and Sessions Judge,
Thiruvallur.

2. The Deputy Superintendent of Police,
Thiruvallur District,
Thiruvallur.
3. The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Cr1.A.No.217 of 2020

VS (CO)
SP (08/10/2020)



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