



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-05-2020

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Crl.A.No.222 of 2020

T.Karthikeyan

... Appellant

Vs.

1. State Rep.

Deputy Superintendent of Police
Udumalpet Sub-Division,
Gudimangalam Police Station,
Tirupur District.

2. State Rep. by

The Inspector of Police
Gudimangalam Police Station,
Tirupur District.
(Crime No.340/2020)

3. Muthusamy

... Respondents

Criminal Appeal filed under Section 14 (A) (2) of SC and ST (Prevention of Atrocities) Amendment Ordinance Act, 2015, to set aside the order, dated 24.04.2020 made in Crl.M.P.No.481 of 2020 on the file of the Principal District and Sessions Judge, Tirupur by allowing this Criminal Appeal by enlarging the appellant on bail pending investigation in Crime No.340 of 2020 on the file of the respondent police.

For Appellant : Mr.B.Kumarasamy

For Respondents : Mr.R.Ravichandran, Govt. Advocate

JUDGMENT

This is the Appeal filed against the order passed by the learned Principal District Court, Tiruppur in Crl.M.P.No.481 of 2020, where the application filed by the appellant to enlarge him on bail for the alleged offences punishable under Sections 294(b), 323, 322 and 506 (i) of IPC and Section 3(1) (r) and 3 (1) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 was dismissed.



2. The prosecution case in this regard is that, on 16.04.2020 at about 8.45 p.m., the accused allegedly prevented the defacto complainant / VAO from discharging his duty during this COVID-19 situation and thereafter on 19.04.2020 at about 7.45 a.m., at Ramanathapuram bus stand, the accused allegedly abused the defacto complainant and thereafter in this regard, the defacto complainant had given a complaint on 20.04.2020 at 10 a.m., at the respondent police station, pursuant to which FIR was registered for the alleged offences and with the result, on the same day, the accused was arrested and he is in judicial custody now.

3. In this regard, when the bail application was filed as stated supra before the Sessions Court, it was rejected by the said Court by the impugned order, dated 24.04.2020, as against which the present appeal was filed.

4. Heard Mr.R.Ravichandran, learned Government Advocate appearing for the respondent police as well as the defacto complainant who was the Government servant. He would submit that, since the defacto complainant as well as the appellant / accused are from different communities and there would be likelihood of some law and order issue, if the appellant / accused is enlarged on bail at this stage and moreover since the investigation is in the nascent stage, it may not be conducive to release him on bail and also it would hamper the investigation.

5. I have considered the said objections as well as the submissions made by the learned Government Advocate opposing this appeal and also perused the materials placed before this Court.

6. Even though the earlier occurrence, according to the prosecution through the defacto complainant, claimed to have taken place on 16.04.2020 at 8.45 p.m., the defacto complainant has not chosen to make the complaint immediately and only on 20.04.2020 at 10 a.m., the present complaint has been filed and the consequent FIR has been registered. Even though it was claimed by the prosecution that, on 19.04.2020 at 7.45 a.m., another occurrence claimed to have taken place, there is no plausible reason on the side of the prosecution for the delayed FIR between 16.04.2020 and 20.04.2020.

7. Apart from this prima facie issue, this Court feel that, during this COVID-19 situation, keeping this kind of accused persons in jail would create other issues related to COVID-19 and more over taking into consideration of the alleged offences as reflected in the FIR, this Court feel that, the accused can be enlarged on bail, of course with some stringent conditions.

8. In the result, the following orders are passed in this appeal.



WEB COPY

(i) that the appellant / accused shall be enlarged on bail, on executing own bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) before the Superintendent of Central Prison, Coimbatore.

(ii) that the appellant / accused shall stay at Coimbatore city limit and sign before the Saravanampatti Police Station, Coimbatore everyday morning at 10 a.m., for a period of two weeks and thereafter, it is open to the appellant to apply for relaxation of such condition.

(iii) during this period of bail, the appellant shall not move anywhere except the place mentioned above without the leave of this Court.

With these conditions, this Criminal Appeal is ordered accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Tirupur.
2. The Judicial Magistrate No.2,
Udumalaipet.
3. The Superintendent
Central Prison,
Coimbatore.
4. The Deputy Superintendent of Police
Udumalpet Sub-Division,
Gudimangalam Police Station,
Tirupur District.
- 5 . The Inspector of Police
Gudimangalam Police Station,
Tirupur District.

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PPA (CO)

RMP (15/07/2020)

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