

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

**THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN**

CRL.A. No.237 of 2020

Sella @ Sathiyaselan  
S/o. G. Panjamoorthy,  
No.32/1, Second Street,  
Eashwaran Nagar,  
Nonankuppam,  
Ariyankuppam,  
Puducherry – 605 007.

... Appellant / 7<sup>th</sup> Accused

Vs.

1. State represented by  
The Superintendent of Police (South),  
Ariyankuppam Police Station,  
Puducherry.  
Cr. No.52/2019.

2. Thamizhpriyan,  
S/o.Veerappan,  
Pondicherry.

... Respondents

**PRAYER:** Criminal Appeal filed under Section 14A of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 to set aside the order dated 11.05.2020 passed by the learned II Additional District Judge, Pondicherry in Cr. M.P. No.1 of 2020 in Special Sessions Case No.45 of 2019 on the file of the II Additional Sessions Judge at Pondicherry.

For Appellant : Mr.E. Anbarasan

For Respondents : Mr.Balamurugane

Public Prosecutor - Pondicherry for R1

### **JUDGMENT**

This Appeal is filed to set aside the order dated 11.05.2020 passed by the learned II Additional District Judge, Pondicherry in Cr. M.P. No.1 of 2020 in Special Sessions Case No.45 of 2019 on the file of the II Additional Sessions Judge at Pondicherry.

2. The case of the prosecution is that on 24.04.2019 at about 13.45 hours, an unlawful group has attacked the appellant's uncle with deadly weapons and brutally murdered his uncle. Further, it is alleged that the crime was stated to be committed due to community clash between the first accused and the deceased (who is a member of SC) and the appellant herein has been falsely implicated. Thereafter, the appellant moved the bail application before the learned II Additional Sessions Judge, Puducherry and the same was dismissed. Against which, he preferred a Criminal Appeal before this Court and by order dated 18.10.2019, he was enlarged on bail with certain conditions. Later, on completion of committal proceedings, the learned II

Additional Sessions Judge, Puducherry in Special Session Case No.45 of 2019 has taken the case on cognizance and the appellant was regularly appearing before the Trial Court. Thereafter, the appellant was unable to appear for an hearing. For non compilation of bail conditions, NBW was issued and on execution of the same, the respondent police have arrested and remanded him to judicial custody on 25.02.2020. Therefore, he constrained to move the bail application before the Trial Court in Cr. MP No.1 of 2020 and the same was dismissed on 11.05.2020.

3. The learned counsel for the appellant would submit that the appellant (A7) is no way connected to this crime. The appellant was arrested by the respondent police by invoking provisions of SC and ST Act. The appellant could not able to appear before the trial for a day, due to his ill health and failed to file an application under Section 317 of Cr.P.C at the time of trial through his counsel. He has been regularly appearing on all previous hearings before the trial Court. He further submits that apart from this case, no other case is pending against the appellant. Without considering the said aspect in a proper perspective, the trial Court dismissed the bail petition filed by the appellant. Hence, he filed this appeal before this Court.

4. The learned Public Prosecutor – Puducherry appearing for the 1<sup>st</sup> respondent would submit that the appellant failed to appear before the Trial Court and hence, NBW was issued. Hence, he vehemently oppose to grant bail to the appellant.

5. Heard Mr.E. Anbarasan, learned counsel appearing for the appellant and Mr.Balamurugane, learned Additional Public Prosecutor (Pondy) appearing for the respondent.

6. 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.

7. Accordingly, this appeal stands allowed by setting the order impugned herein. The appellant is ordered to be enlarged on bail, subject to the following conditions :

a) the appellant is directed to execute his own bond for a sum of Rs.10,000/-

(Rupees Ten thousand only) before the Superintendent of the concerned prison;

b) thereafter, the appellant shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each before the concerned Magistrate on or before 11.07.2020, failing which the bail granted by this Court shall stand dismissed.

c) The appellant 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.

d) The appellant shall appear before the trial Court daily twice at 10.30 a.m. and 5.30 p.m., until further orders.

26.06.2020

Index : Yes / No

Internet : Yes

Speaking / Non speaking order

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**G.K. ILANTHIRAIYAN, J.**  
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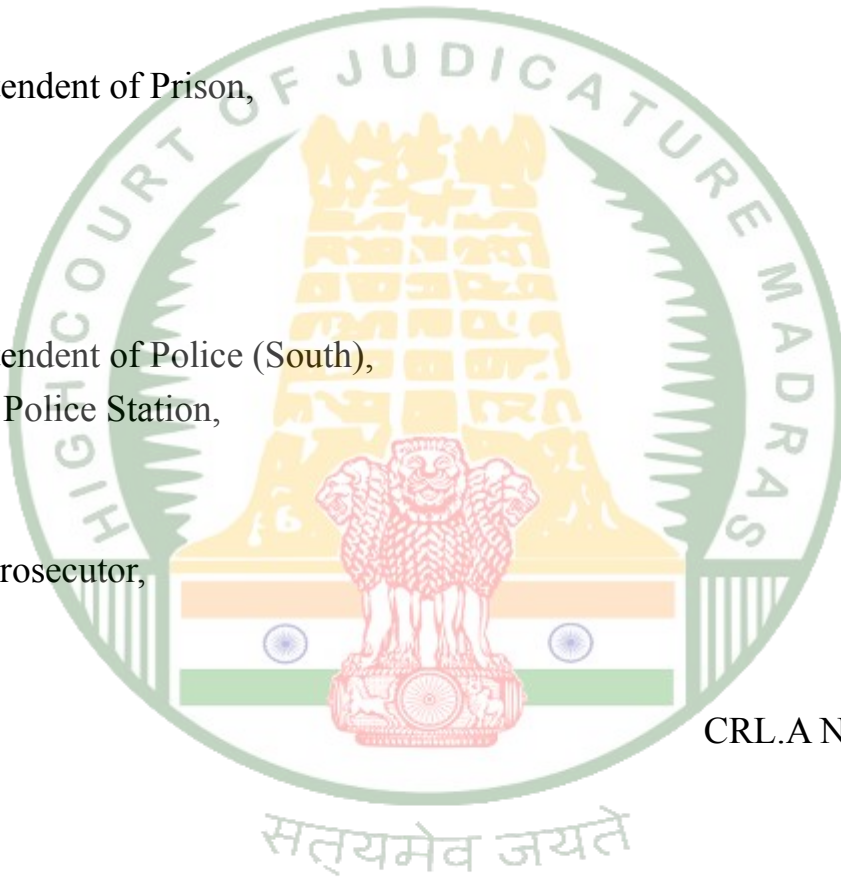
To

1. The II Additional Sessions Judge,  
Puducherry.

2. The Superintendent of Prison,  
Central Prison,  
Kalapet,  
Puducherry.

3. The Superintendent of Police (South),  
Ariyankuppam Police Station,  
Puducherry.

4. The Public Prosecutor,  
Puducherry.



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