

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.A.No.240 of 2020

1.Saraswathi

2.Ravi

.. Appellants/Accused/Petitioners 1 & 2

Vs.

1.The Deputy Superintendent of Police  
Rasipuram Sub Division  
Rasipuram, Namakkal District

2.The Inspector of Police  
Ayilpatty Police Station  
Ayilpatty, Namakkal District

3.Anitha

.. Respondents

Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes Act to set aside the order dated 20.05.2020 made in CrI.M.P.No.49 of 2020 passed by the Special Court under SC/ST (POA) Act, Namakkal and enlarge the appellants on bail in crime No.127 of 2020 on the file of the 2<sup>nd</sup> respondent police.

For Appellants : Mr.B.Jawahar

For R1 and R2 : Mr.K.Madhan  
Govt. Advocate (Crl. Side)

For R3 : No appearance

J U D G M E N T

This Criminal Appeal has been preferred seeking to set aside the order dated 20.05.2020 passed by the Special Judge under the SC/ST (POA) Act, Namakkal in CrI.M.P.No.49 of 2020 dismissing the bail petition filed by the appellants in Crime No.127 of 2020.

2.On 17.06.2020, when this Criminal Appeal came up for hearing, this Court passed the following order :

"The de facto complainant is yet to be served in this case. The appellants were arrested and remanded to judicial custody on 20.05.2020.

2.Considering the facts and circumstances of

this case and the long incarceration, the appellants are granted interim bail, subject to the following conditions :

- (a) The appellants shall execute a bond for a sum of Rs.5,000/- each (Rupees Five Thousand only) before the Superintendent of Prison, Salem;
- (b) The appellants shall furnish two common sureties for a like sum before the concerned Court, within a period of 15 days from the date of lifting of lock down period, failing which, the interim bail granted shall stand automatically dismissed;
- (c) The appellants shall report before the 2<sup>nd</sup> respondent police on every Monday and Friday at 10.30 a.m., until further orders.

3. The appellants are directed to take private notice to the 3<sup>rd</sup> respondent returnable by 14.07.2020. In the meantime, the respondents police shall inform the 3<sup>rd</sup> respondent/de facto complainant that the matter is posted for hearing on 14.07.2020.

4. Post this case for hearing on 14.07.2020."

3. Pursuant to the aforesaid order, the appellants were released on interim bail and they have been complying with the conditions imposed by this Court. The police also have served notice on the 3<sup>rd</sup> respondent/de facto complainant, but she has not entered appearance.

4. It is the case of the de facto complainant that the appellants are her neighbours. On 14.04.2020, an altercation ensued, in which, the appellants are said to have abused the de facto complainant. The appellants were arrested on 14.05.2020 and released on interim bail on 17.06.2020.

5. Taking into consideration the nature of the allegations in the F.I.R., this Court is of the view that interests of justice will be served, if the order of interim bail granted by this Court on 17.06.2020 is made absolute and it is accordingly made absolute.

6. Further, the learned counsel for the appellants submitted that the appellants have furnished sureties as ordered by this Court on 17.06.2020. The sureties furnished by the appellants shall hold good for regular bail and hence, they need not furnish fresh sureties. The condition (c) requiring the appellants to report before the 2<sup>nd</sup> respondent police/ Investigating Officer is also modified to the effect that they shall appear before the 2<sup>nd</sup> respondent police/ Investigating Officer, as and when required.

This criminal appeal stands disposed of on the above terms.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Special Court under SC/ST (POA) Act  
Namakkal

2.The Deputy Superintendent of Police  
Rasipuram Sub Division  
Rasipuram, Namakkal District

3.The Inspector of Police  
Ayilpatty Police Station  
Ayilpatty, Namakkal District

4.The Superintendent of Prison  
Salem

5.The Public Prosecutor  
High Court, Madras.

Copy To

The Section Officer,  
Criminal Section,  
High Court, Madras- 104

GN (CO)  
GN (21/07/2020)

CRL.A.No.240 of 2020

WEB COPY