

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2020

CORAM

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

CrI.A.No. 256 of 2020

Selvam @ Krishnamoorthy
S/o. Saminathan
Residing at
No.2-47-1
Sathi-Athani Main Road
Venkittapuram
Pullappanaickenpalayam P.O.
Elur, Erode

... Appellant

-Vs-

1. The State of Tamilnadu,
rep. By Deputy Superintendent of police
Sathyamangalam
Erode District
2. The Inspector of Police
Bangalapudur Police Station
Erode District
(Crime No.432 of 2020) ...1st respondent
3. A. Ranganathan
S/o. Ammasai
Residing at Door No.21, Ezhur Harijana Colony
Gobichettipalayam Taluk
Erode District. ... 2nd Respondent

Prayer: Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (as amended by Act 1 of 2016) read with Section 378(4) of the Code of Criminal Procedure, 1973 praying to set aside the order dated 11.06.2020 made in Crl. M.P.No.1050 of 2020 on the file of the Court of Principal District and Sessions Judge, Erode and enlarge the appellant /Accused No.1 on bail in Crime No.432/2020 pending investigation on the file of the Bangalapudur Police Station, Erode District.

For Appellant : Mr.N.S.Sivakumar
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

J U D G M E N T

This appeal is directed as against the dismissal order dated 11.06.2020 passed by the learned Principal District and Sessions Judge, Erode in Crl.M.P.No.1050 of 2020, thereby refusing bail to the appellant in Crime No.432 of 2020, registered for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of harassment of Women Act, 2015 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the respondent police.

2. It is seen that the appellant was implicated as accused in Crime No.432 of 2020 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 on 21.05.2020. Thereafter, the appellant was arrested and remanded to judicial custody on 22.05.2020. Therefore, the appellant filed a petition in Crl.M.P.No.1050 of 2020 seeking bail before the learned Principal District and Sessions Judge, Erode. However, the said petition was dismissed by the order impugned herein. Challenging the same, the appellant has filed the present appeal.

3. The learned counsel for the appellant submitted that the appellant is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further he submits that the appellant is in judicial custody from 22.05.2020. Without considering the said aspect in a proper perspective, the trial Court dismissed the bail petition filed by the appellant. Hence, he seeks bail for the appellant.

4. The learned Additional Public Prosecutor would submit that the

investigation is still pending. Hence, he vehemently opposed for grant of bail to the appellant.

5. Heard Mr.N.S.Sivakumar learned counsel appearing for the appellant and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

6. Considering the fact that the appellant has been in incarceration from 22.05.2020, and 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 aside 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 Principal District and Sessions Judge, 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 at 10.30 a.m. until further orders.

23.06.2020

Index : Yes / No
Internet : Yes
Speaking/Non speaking order

bga

To

1. The Principal District and Sessions Judge, Erode
2. The State of Tamilnadu,
rep. By Deputy Superintendent of police
Sathyamangalam
Erode District.
3. The Inspector of Police

Bangalapudur Police Station
Erode District

G.K.ILANTHIRAIYAN, J.

bga



CrI.A.No. 256 of 2020

WEB COPY

23.06.2020



WEB COPY