

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM

THE HONOURABLE Mr.JUSTICE **P.N.PRAKASH**

Crl.A.No.288 of 2020

S.Sivasangaramoorthi,
S/o.Sivalingam,
Erasalakuppam Village and Post,
Cuddalore District.

Appellant/A-1

Vs.

1.State represented by
The Deputy Superintendent of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.1141 of 2020)

Respondent/Complainant

2.Maya Veerappan,
S/o.Mayavel,
Erasalakuppam Village and Post,
Cuddalore District.

Respondent/*defacto*
Complainant

Criminal Appeal filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity “the SC/ST Act”) to set aside the order dated 01.07.2020 passed in Crl.M.P.No.295 of 2020 on the file of the Sessions Court (Special Court for SC/ST Act cases), Cuddalore and to enlarge the appellant on bail in Crime.No.1141 of 2020 on the file of the first respondent.

For Appellant : Mr.M.Selvam

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

JUDGMENT

This case is taken up through video conferencing.

2. This appeal has been preferred seeking to set aside the order dated 01.07.2020 passed in Crl.M.P.No.295 of 2020 on the file of the Sessions Court (Special Court for SC/ST Act cases), Cuddalore and to enlarge the appellant on bail in Crime.No.1141 of 2020 on the file of the first respondent.

3. On the complaint lodged by the second respondent/*de facto* complainant, the first respondent registered a case in Crime No.1141 of 2020 on 23.06.2020 for the offences under Sections 147 and 153-A IPC and Section 3 (1) (V) of the SC/ST Act, against three named persons and others unnamed.

4. The nub of the prosecution case is that the named accused including the appellant herein and twenty others had defiled the photo of the father of the constitution in the bus shelter at 8.45 p.m. on 22.06.2020. The

appellant was arrested on 23.06.2020 and his bail application in Crl.M.P.No.295 of 2020 was dismissed by the Sessions Court (Special Court for SC/ST Act cases), Cuddalore, on 01.07.2020, aggrieved by which, the appellant has preferred the present appeal before this Court.

5. Heard Mr.M.Selvam, learned counsel for the appellant and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the first respondent/State.

6. When the matter came up for hearing on 23.07.2020, this Court directed notice to the second respondent. Today, when the matter was taken up for hearing, the learned Government Advocate (Crl.Side) submitted that the second respondent was informed of the proceedings.

7. The learned counsel for the appellant submitted that some unknown persons have vandalized the said photo in the bus shelter and the second respondent being the member of a political party, has falsely implicated the appellant in this case. He also submitted that even in the complaint given by the second respondent, he has not stated that he had seen the incident.

8. The learned Government Advocate (Crl.Side) for the first respondent/State submitted that out of three accused named in the FIR Balakrishnan (A2) and Ajithkumar (A3) are juveniles and the appellant (A1) was arrested on 23.06.2020. He also submitted that the other unnamed accused have obtained usual directions for consideration of the bail application by the trial court on the same day.

9. On perusal of the FIR, it is seen that the second respondent/*de facto* complainant had not seen the incident and that he was informed about the incident by one Thavamurugan and he and others came to the spot and saw the appellant and others running away from the place.

10. Taking into consideration the fact that the appellant was arrested on 23.06.2020 and the co-accused have approached this Court for usual directions, this Court is of the view that interests of justice will be served if bail is granted to the appellant.

11. Accordingly, the present appeal is allowed by setting aside the order dated 01.07.2020 passed in Crl.M.P.No.295 of 2020 on the file of the Sessions Court (Special Court for SC/ST Act cases), Cuddalore and the

appellant is ordered to be released on bail on the following conditions:

- (i) the appellant shall be released on he executing an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Superintendent of Prison, Central Prison, Cuddalore;
- (ii) after his release from custody, the appellant shall surrender before the Sessions Court (Special Court for SC/ST Act cases), Cuddalore and 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 Sessions Court (Special Court for SC/ST Act cases), Cuddalore;
- (iii) the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge (Special Court for SC/ST Act cases), Cuddalore, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iv) the appellant shall report before the respondent/police on Monday and Friday at 10.30 a.m. until further orders;
- (v) 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]***; and

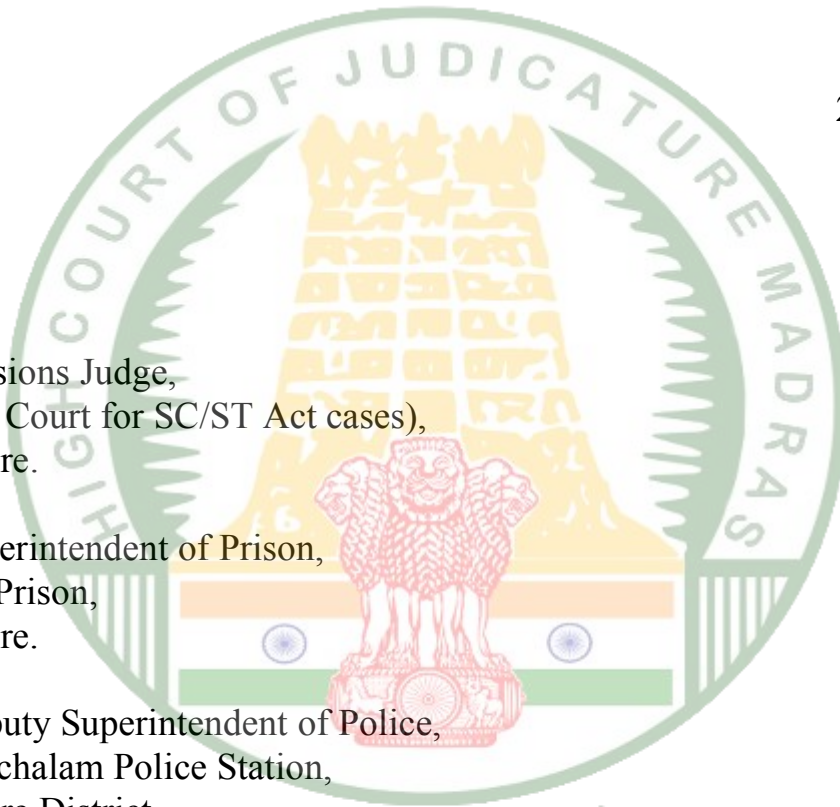
- (vi) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

27.07.2020

nsd

To

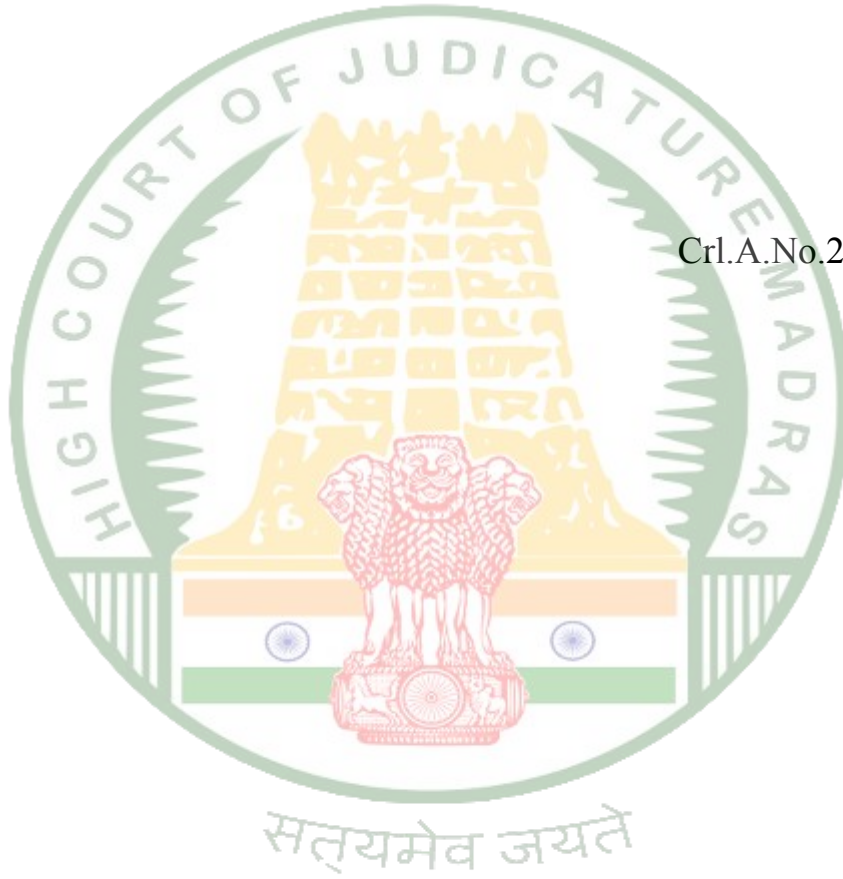
1. The Sessions Judge,
(Special Court for SC/ST Act cases),
Cuddalore.
2. The Superintendent of Prison,
Central Prison,
Cuddalore.
3. The Deputy Superintendent of Police,
Virudhachalam Police Station,
Cuddalore District.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.

nsd



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