

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2020

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.A.No.344 of 2020

Manikandan

Appellant

vs.

1 State represented by  
the Inspector of Police  
Manalurpet Police Station  
Villupuram District  
(Cr. No.1092 of 2020)

2 Govindaraj

Respondents

Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 21.08.2020 passed in Crl.M.P.No.781 of 2020 on the file of the Special Court for SC/ST Act Cases, Villupuram and to enlarge the appellant on bail.

For appellant  
For R1

Mr. A. Balamurugan  
Mrs. P. Kritika Kamal  
Govt. Advocate (Crl. Side)

**JUDGMENT**

This case is taken up through video conferencing.

2 On a complaint lodged by the second respondent, the first respondent police registered a case in Cr. No.1092 of 2020 on 30.07.2020 under Sections 341, 294(b) and 506(II) IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity “the SC/ST Act”) and arrested the appellant on 18.08.2020.

3 It is alleged by the *de facto* complainant that on account of previous enmity, the appellant had abused him by referring to his caste name.

4 The bail application in Crl.M.P. No.781 of 2020 that was filed by the appellant has been dismissed by the Special Court for SC/ST Act Cases, Villupuram, on 21.08.2020, challenging which, the instant criminal appeal has been preferred seeking bail.

5 Heard Mr. A. Balamurugan, learned counsel for the appellant and Mrs. P. Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the first respondent State. Though private notice has been served on the second respondent and affidavit of service filed, there is no

representation for the second respondent.

6 A thorough reading of the FIR shows that the appellant suspected that the *de facto* complainant was a police informant and he (appellant) was abusively speaking about the *de facto* complainant amongst his friends, which was overheard by the *de facto* complainant.

7 Taking into consideration the nature of allegation in the FIR, the fact that there was no physical violence and that the appellant has been in custody since 18.08.2020, this Court is of the view that interests of justice will be served, if the appellant is released on bail.

8 Accordingly, this criminal appeal is allowed by setting aside the order dated 21.08.2020 passed in Crl.M.P.No.781 of 2020 on the file of the Special Court for SC/ST Act Cases, Villupuram and the appellant is ordered to be released on bail on the following conditions:

[i] the appellant shall 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 Special Court for SC/ST Act Cases, Villupuram;

[ii] The sureties shall affix their photographs and left thumb impression in the surety bond and the Special Judge for SC/ST Act Cases, Villupuram, may obtain a copy of their aadhaar card or bank pass book to ensure their identity;

[iii] On release, the appellant shall appear before the trial Court, everyday at 10.30 a.m. for a period of two weeks and he shall appear before the respondent police as well, as and when required.

[iv] The appellant shall not tamper with evidence or witness either during investigation or trial and shall also not abscond either during investigation or trial;

[v] On breach of any of the aforesaid conditions, the Special Judge for SC/ST Act Cases, Villupuram, 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 Special Judge for SC/ST Act Cases, Villupuram, himself, as laid down by the Supreme Court in **P.K.Shaji Vs. State of Kerala<sup>1</sup>**;

[vi] if the appellant thereafter absconds, a fresh FIR can be registered against him under Section 229-A IPC; and

[vii] if the appellant does not comply with the condition (i) above, the Special Judge for SC/ST Act Cases, Villupuram, may take him into custody.

02.09.2020

cad

**Note to Office: Issue order copy today itself**

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<sup>1</sup> (2005) AIR SCW 5560  
<http://www.judis.nic.in>

To

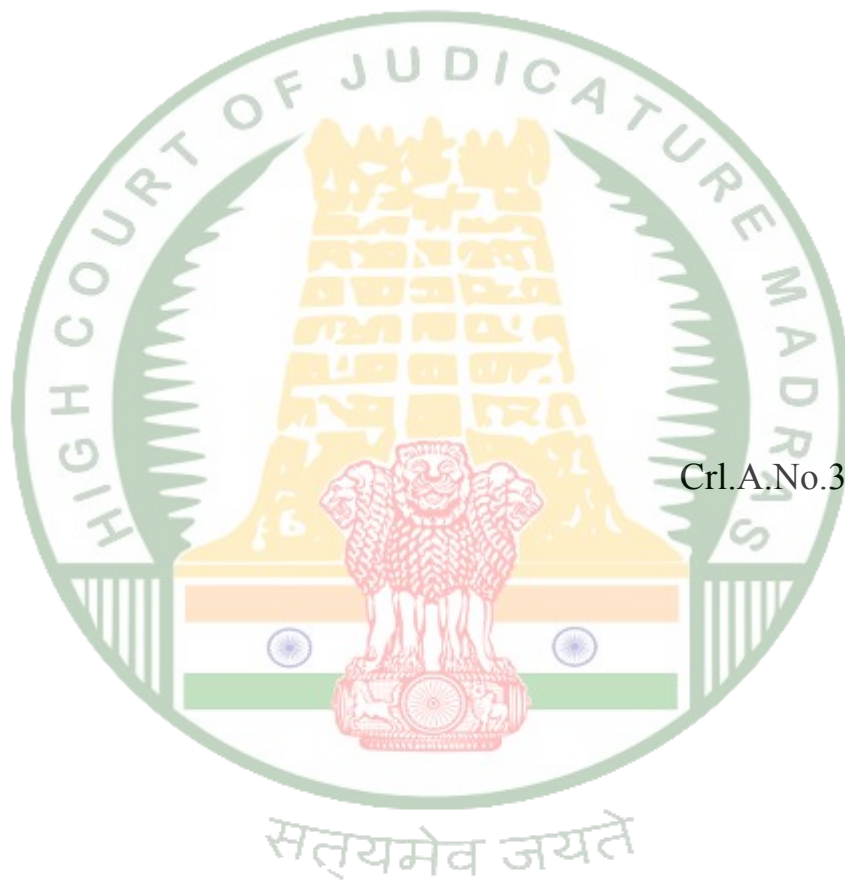
- 1 The Inspector of Police  
Manalurpet Police Station  
Villupuram
- 2 The Special Judge for SC/ST Act Cases  
Villupuram
- 3 The Superintendent  
Sub-Jail  
Thirukovilur
- 4 The Public Prosecutor  
Madras High Court  
Chennai – 600 104



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**P.N.PRAKASH, J.**

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