

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.338 of 2020

Rajasekar

...Appellant/Accused

Vs.

1. State,

Represented by the Deputy Superintendent of Police,
Pennagaram Taluk, Dharmapuri District.

2. State,

Represented by the Inspector of Police,
Pennagaram Police Station, Dharmapuri District.
(Crime No.1090 of 2020).

...Respondents 1 & 2
/Complainants

3. Krishnamurthy

... 3rd Respondent/defacto

Complainant

Prayer: Criminal Appeal filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 12.08.2020 passed in Crl.M.P.No.868 of 2020 by the learned Principal Session Judge, Dharmapuri and to enlarge the appellant on bail in Crime.No.1090 of 2020, pending investigation on the file of the respondent Police.

For Appellant : Mr.Arun Anbumani

For RR1 & 2 : Mrs.P.Kritika Kamal

Government Advocate (Crl. Side)

For R3 : No appearance

JUDGMENT

This case is taken up through video conferencing.

2. This appeal has been preferred seeking to set aside the order dated 12.08.2020 passed in Crl.M.P.No.868 of 2020 by the learned Principal Session Judge, Dharmapuri and to enlarge the appellant on bail in Crime.No.1090 of 2020, pending investigation on the file of the respondent Police.

3. On the complaint lodged by the third respondent, the Police registered a case in Crime No.1090 of 2020 on 17.07.2020 for the offence under Section 323 IPC r/w Section 3(1)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the appellant was arrested on 21.07.2020.

4. It is the case of the de facto complainant that when his minor son went to attend the nature's call in the lands of the appellant, the boy was abused and beaten.

5. The bail application of the appellant in Crl.M.P.No.868 of 2020 has been dismissed by the Special Court for SC/ST cases, Dharmapuri on 12.08.2020, aggrieved by which, the appellant has filed the present appeal seeking bail.

6. Heard Mr.Arun Anbumani, learned counsel for the appellant and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the first and second respondents/State. Though private notice has been served on the third respondent/de facto complainant and affidavit of service has been filed, there is no representation for the de facto complainant.

7. It is seen that the boy had not suffered any serious injuries and that is why, the Police have slapped only Section 323 IPC.

8. Taking into consideration the nature of the allegations in the F.I.R. and the fact that the appellant is in custody from 21.07.2020, this Court is of the view that interests of justice will be served if the appellant is enlarged on bail.

9. Accordingly, the present appeal is allowed by setting aside the order dated 12.08.2020 passed in Crl.M.P.No.868 of 2020 by the learned Principal Session Judge, Dharmapuri and the appellant is ordered to be released on bail on the following conditions:

- (i) the appellant shall be released on bail on he executing 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 Principal Sessions Court, Dharmapuri;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal Sessions Court, Dharmapuri, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

- (iii) the appellant shall report before the Principal Sessions Court, Dhamapuri, on all working days at 10.30 a.m. for a period of two weeks;
- (iv) 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
- (v) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge,
Dharmapuri.
2. The Superintendent of Prison,
Central Prison,
Salem.
3. The Deputy Superintendent of Police,
Pennagaram Taluk,
Dharmapuri District.
4. The Inspector of Police,
Pennagaram Police Station, Dharmapuri District.
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Crl.A.No.338 of 2020

SSV (CO)
RV (14/09/2020)