

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM:

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

CrI.A.No.341 of 2020

1 Chandru @ Chandrasekar
2 Dhayalan ...Appellants/Petitioners/Accused A1-A5

vs.

1 State represented by the
Deputy Superintendent of Police
Palladam
Tiruppur District

2 The Inspector of Police
Palladam Police Station
Tiruppur District
(Cr. No.1938 of 2020)

3 Murugan 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 20.08.2020 passed in CrI.M.P.No.905 of 2020 on the file of the Special Court for SC/ST Act Cases, Tiruppur and to enlarge the appellants on bail in Crime No.1938 of 2020 pending on the file of 2nd Respondent Police.

For appellants Mr. V. Manimaran
for Mr. P. Kalimuthu

For RR 1 & 2 Mrs. P. Kritika Kamal
Govt. Advocate (CrI. Side)

For R3 No appearance

JUDGMENT

This case is taken up through video conferencing.

2 On a complaint lodged by Murugan, the third

respondent herein, the police registered a case in Cr. No.1938 of 2020 on 08.08.2020 for the offences under Sections 365, 324, 342, 323, 379 and 506(II) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, and arrested the appellants herein on the same day, i.e., 08.08.2020.

3 The bail application preferred by the appellants in CrI.M.P. No.905 of 2020 was dismissed by the Special Court for SC/ST Act Cases, Tiruppur on 20.08.2020, aggrieved by which, the instant criminal appeal has been preferred.

4 Heard Mr. V. Manimaran, learned counsel representing Mr.P.Kalimuthu, learned counsel on record for the appellants and Mrs.P.Kritika Kamal, learned Government Advocate (CrI. Side) appearing for respondents 1 and 2. Private notice has been served on the third respondent and affidavit of service has also been filed. However, there is no representation for the third respondent.

5 On a complete reading of the FIR, it is seen that there was some money transaction between the appellants and the complainant, in which, it is alleged that the appellants had cheated the complainant and when the complainant approached the appellants, they assaulted the complainant. The copy of the accident register shows that the complainant had suffered abrasions in his arms and the injuries are not serious. That apart, the complainant has been discharged from the hospital.

6 Taking into consideration the nature of the allegation in the FIR and the fact that the appellants have been in custody since 08.08.2020, this Court is of the view that interests of justice will be served, if the appellants are released on bail.

7 Accordingly, this criminal appeal is allowed by setting aside the order dated 20.08.2020 passed in CrI.M.P.No.905 of 2020 on the file of the Special Court for SC/ST Act Cases, Tiruppur and the appellants are ordered to be released on bail on the following conditions:

[i] each of the appellants 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, Tiruppur;

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

[iii] On release, the appellants shall appear before the trial Court, everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required.

[iv] The appellants 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, Tiruppur, is entitled to take appropriate action against the appellants in accordance with law, as if the conditions have been imposed and the appellants released on bail by the Special Judge for SC/ST Act Cases, Tiruppur, himself, as laid down by the Supreme Court in P.K.Shaji Vs. State of Kerala¹;

[vi] if the appellants thereafter abscond, a fresh FIR can be registered against them under Section 229-A IPC; and

[vii] if the appellants do not comply with the condition (i) above, the Special Judge for SC/ST Act Cases, Tiruppur, may take them into custody.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

1.The Deputy Superintendent of Police
Palladam
Tiruppur District

2.The Inspector of Police
Palladam Police Station
Tiruppur District

3.The Special Judge for SC/ST Act Cases
Tiruppur

4.The Superintendent
Central Prison
Coimbatore

1 (2005) AIR SCW 5560

5.The Public Prosecutor
Madras High Court
Chennai - 600 104.

CrI.A.No.341 of 2020

LN(CO)
CB(09/09/2020)



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