

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

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

Crl.A.No.369 of 2020

Kuppusamy .. Appellant/Accused A2

Vs.

1.State rep. by

The Deputy Superintendent of Police,
Dharapuram Police Station Limit,
Tiruppur District.

Crime No.1868 of 2020

...1st Respondent/Complainant

2.Selvi

... 2nd Respondent/Defacto
complainant

Criminal Appeal filed under Section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act seeking to set aside the order passed by the learned Principal Sessions Judge, Tiruppur in Crl.M.P.No.942 of 2020 and the same was dismissed on 04.09.2020 and enlarge the appellant on bail in Crime No.1868 of 2020 pending on the file of respondent Police.

For Petitioner : Mr.P.Kalimuthu

For Respondents : Mrs.P.Kritika Kamal
Government Advocate [R1]
(Crl. Side)
Mrs.R.Saritha [R2]

JUDGEMENT

This case is taken up through video conferencing.

2. On the complaint lodged by the second respondent, the Police registered a case in Crime No.1249 of 2020 on 07.05.2020 against one Kuppusamy - A2, the appellant herein, for the offences under Sections 294(b) & 506(2) of IPC and Section 3(1) (r) & 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. During the course of investigation of that case, it is alleged that the appellant herein, abused and threatened the second respondent

and asked her to withdraw the complaint. Therefore, on the complaint given by the second respondent, the Police registered a fresh case in Crime No.1868 of 2020 on 14.08.2020 under Section 506 (1) IPC and Sections 3(1)(p) and 3(1)(r) of the SC & ST (PoA) Amendment Act against the appellant and two others and the appellant was arrested on 25.08.2020. The bail application filed by the appellant in CrI.M.P.No.942 of 2020 before the Principal Sessions Judge, Tiruppur, has been dismissed on 04.09.2020, aggrieved by which, the present appeal has been filed.

3. Heard Mr.P.Kalimuthu, learned counsel for the appellant, Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) for the first respondent/State and Mrs.R.Saritha, learned counsel appearing for the second respondent/de facto complainant.

4. The second respondent entered appearance through Advocate Mrs.R.Sarita, who strongly opposed the grant of bail to the appellant, on the ground that he was the Panchayat President and he is very influential.

5. The learned Government Advocate (CrI.Side) submitted that there is one previous case against the appellant in Crime No.21 of 2020 for the offences under Section 294(b), 324, 506(ii) IPC on the complaint lodged by one Balasubramaniam. She also submitted that the FIR in Crime No.1249 of 2020 dated 07.05.2020 against Kuppusamy, was closed on 23.06.2020.

6. It is seen that the second respondent is an accused in Crime No.1867 of 2020 for the offences under Section 448, 294(b) and 506(ii) of IPC, which has been registered by the Police on the complaint given by one Gopalkrishnan S/o. Kumarasamy, the relative of the accused herein.

7. On reading the F.I.R. in the present case viz., Crime No.1868 of 2020, it appears that there was some money transaction between the second respondent/de facto complainant and the appellant, on account of which, there were disputes between them.

8. Taking into consideration, the fact that the appellant is in custody from 25.08.2020 and the nature of the allegations in the F.I.R., this Court is of the view that interests of justice will be served, if the appellant is directed to be released on bail.

9. Accordingly, the present appeal is allowed by setting aside the order dated 04.09.2020 passed in CrI.M.P.No.942 of 2020 by the Principal Sessions Judge, Tiruppur 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 Judge, Tiruppur;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal Sessions Judge, Tiruppur, may obtain a copy of their Aadhar card or bank pass book to ensure their identity;
- (iii) the appellant shall report before the) respondent/police as and when required;
- (iv) on breach of any of the aforesaid conditions, the learned Principal 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 Principal 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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Dharapuram Police Station Limit,
Tiruppur District.

2.The Principal Sessions Judge,
Tiruppur.

3.The Superintendent of Prison,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600104.

+lcc m/s.R.Saritha, Advocate, sr no.31171

Crl.A.No.369 of 2020

KK(CO)

RMP(28/09/2020)