

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.795 of 2019

Santhosh @ Santhoshkumar

.. Appellant /A2

Vs.

1. State rep. by
Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.
(Crime No.658 of 2019)

.. 1st Respondent /
Complainant

2. Vijayakumar

.. 2nd Respondent /
Defacto Complainant

Prayer: Criminal Appeal filed under Section 14 of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 read with Section 374(3) of the Code of Criminal Procedure praying to set aside the order passed by the learned Principal District and Sessions Judge, Tiruppur, on 11.11.2019 in Crl.M.P.No.1365 of 2019 dismissing the bail petition for the alleged offences under sections 294(b), 307 and 506(ii) of IPC and Section 3(2)(v) of T.N. Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015.

For Appellant : Mr.V.Murugesan

For Respondents: Mr.K.Prabhakar,

Additional Public Prosecutor for R1

Mr.Sankarasubbu for R2

J U D G M E N T

Challenging the order of rejection of bail petition, the appellant instituted this appeal.

2. According to the appellant, he was implicated as 2nd accused in Crime No.658 of 2019 on the file of the first respondent police based on the alleged complaint given by the second respondent / defacto complainant for the offences under Sections 294(b), 324, 506(ii) IPC, which were altered into under

Sections 294(b), 307 and 506(ii) IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The F.I.R. in Cr.No.658/2019 is pending on the file of the Principal District and Sessions Judge, Tiruppur till date. Pursuant to the same, the appellant was arrested and remanded to judicial custody on 05.10.2019.

3. Heard the learned counsel for the appellant, learned Additional Public Prosecutor for the 1st respondent- State and the learned Counsel for the 2nd respondent.

4. Considering the facts and circumstances of the case, more particularly, having regard to the facts that the petitioner is in incarceration for the past 120 days and nobody is now under medical treatment and Charge Sheet is yet to be filed, this Court is inclined to set aside the impugned order and grant bail to the appellant. Accordingly, the appellant is directed to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum, out of which one should be a blood relative, to the satisfaction of the learned Principal Sessions Judge, Tiruppur, and on further condition that the appellant shall appear before the 1st respondent police daily at 10.30a.m. until further orders.

5. This appeal is allowed to the extent indicated above.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Tiruppur.

2. The Inspector of Police,
Tiruppur North Police Station, Tiruppur District.

3. The Public Prosecutor,
Madras High Court, Chennai-104.

4. The Superintendent, Central prison, Coimbatore
+1cc to Mr.H.Manivannan Advocate sr9165 dt 06/02/2020

+1cc to Mr.V.Murugesan , Advocate SR.No. 7848

+1cc to Mr.Nizam Mydeen , Advocate SR.No. 22267(12/03/2020)

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A.SK(04/02/2020)

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