

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.A.No.818 of 2019
and
Crl.MP.No.1171 of 2020

1.Sakthivel
2.Rayappan

.. Appellants/A 3 & 4

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-A 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 15.11.2019 in Crl.M.P.No.1400 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 Appellants : Mr.V.Murugesan

For Respondents : Mr.K.Prabhakar,
Additional Public Prosecutor for R1

Mr.Sankarasubbu for R2

For Petitioner in : Mr.Anand Narayanan, SC
Crl.MP.No.1171/2020 for Mr.H.Manivannan

J U D G M E N T

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

2. According to the appellants, they were implicated as accused Nos.3 and 4 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 and 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. In this connection, the appellants were arrested and remanded to judicial custody on 04.10.2019.

3. Heard the learned counsel for the appellants, learned Additional Public Prosecutor for the 1st respondent -State, the learned Counsel for the 2nd respondent and the learned Senior Counsel for the petitioner in CrI.MP.No.1171 of 2020.

4. Considering the facts and circumstances of the case, more particularly having regard to the facts that the petitioners are 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 appellants. Accordingly, the appellants are directed to be released on bail on their 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 Judicial Magistrate No.1, Tiruppur, and on further condition that the appellants shall appear before the 1st respondent police daily at 10.30 a.m. until further orders.

5. This appeal is allowed to the extent indicated above. Consequently, connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

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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

5.The Judicial Magistrate No.I,Tiruppur.

+lcc to Mr.V.Murugesan , Advocate SR.No. 7899

A.SK(04/02/2020)

Cr1.A.No.818 of 2019



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