

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.534 of 2020

Meena
W/o.Prabhu

...Appellant

Vs

1.State by,
Inspector of Police,
Ammapettai Police Station,
Erode District.

2.M.Kumar,
S/o.Manickam

3.Manjula
W/o.Kumar

4.Karthik Kumar,
S/o.Kumar

5.Raja @ Rajavarma
S/o.Manickam

...Respondents

PRAYER: Prayer: Criminal Appeal filed under Section 14A (1) of the SC & ST (POA Act), to set aside the order in Crl. Misc. Petition No.347 of 2020 dated 26.02.2020 passed by Principal District and Sessions Judge of Erode and to cancel the Bail and allowing the Appeal.

For Appellant : Mr.Ali Hassan Khan

For Respondents : Mr.R.Suryaprakash

Government Advocate

No appearance for R2 and R5

JUDGMENT

This Appeal has been filed to set aside the order in Crl. Misc. Petition No.347 of 2020 dated 26.02.2020 passed by Principal District and Sessions Judge of Erode and to cancel the Bail and allowing the Appeal.

2.This Court in Crl.O.P.No.3056 of 2020 dated 12.02.2020 has given direction to the petitioner to surrender before the trial Court within a period of two weeks from the date of receipt of copy of this order and on such surrender the learned Principal Sessions Judge, Erode, shall deal with the matter on the same day on merits and in accordance with law, after issuing notice to the defacto complainant. As per the order, the appellant surrendered before the learned Principal Sessions Judge, Erode, in Crl.M.P.No.347 of 2020 dated 26.02.2020 and the trial Court has granted bail to the appellant on some conditions.

3.The trial Court has not served any notice to the defacto complainant and also the objection of the appellant is not considered.

4.The Criminal Appeal is allowed and the order in Crl.M.P.No.347 of 2020 dated 26.02.2020 passed by the learned Principal Sessions Judge, Erode is set aside and the first respondent police is directed to secure all the accused and produce before the trial Court. The trial Court is directed to rehear the matter after obtaining objection from the defacto complainant and apply the mind independently and thereafter pass an order in accordance with law.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. Inspector of Police,
Ammapettai Police Station,
Erode District.
2. Principal District and Sessions Judge,
Erode.
- 3.The Public Prosecutor
High Court, Madras 104.
+1 CC to Mr.B. Mohan, Advocate sr 4523.

Crl.A.No.534 of 2020

SR II (CO)
SP(16/03/2021)