



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRL.A.NO.111 OF 2022

Rajeev Gandhi

... Appellant/Accused/
Rank of Known

.Vs.

1. The Deputy Superintendent of Police
Thiruvannamalai (Rural Sub-Division),
Thiruvannamalai District.
Crime No.495 of 2021.

2. The State Rep. by
The Inspector of Police,
Vanapuram Police Station,
Thiruvannamalai District.
(Crime No.495 of 2021)

... Respondent/Complainant

3. Perumal

... Respondent/defacto
Complainant

PRAYER:-

Criminal Appeal filed under Section 14-A of S.C.S.T.Act, praying to allow the Criminal Appeal and Set Aside the Order Passed by the Special Court for Trial of Cases under SC/ST(POA) Act, Thiruvannamalai in Crl.M.P.No.12 of 2022 dated 31.01.2022 and enlarge the Appellant on bail in Crime No.495 of 2021 on the file of the Inspector of Police, Vanapuram Police Station, Thiruvannamalai District.

For Appellant : Mr.S.Silambuselvan

For R1 & R2 : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Crl. Side)



JUDGMENT

This criminal appeal has been filed against the order of dismissal of bail application in Crl.M.P.No.12 of 2022 dated 31.01.2022 by the Special Court for Trial of Cases under SC/ST (POA) Act, Thiruvannamalai.

2. The case of the prosecution is that on 04.11.2021 at about 03.30 hrs, the appellant along with others rode a motorcycle in a high speed manner in the residential area of Defacto complainant herein. When the defacto complainant questioned them regarding the act, the appellant is said to have abused him using his caste name and obscene words and thereatend him and hence, the complaint. The 2nd respondent police registered a case against the appellant/accused and another, in Crime No.495 of 2021.

3. The learned counsel appearing for the appellant contended that the appellant was not involved in the commission of offence and false case has been foisted against him. The appellant is ready to abide by any conditions imposed by this Court for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police objected to the grant of bail.

5. Taking into consideration the facts and submissions made, this Court is of the opinion that this is a case where the appeal can be allowed and the bail can be granted to the appellant.

6. In view of the above, the order dated 31.01.2022 passed in Crl.M.P. No.12 of 2022 stands set aside and the Criminal Appeal stands allowed and this Court is inclined to grant bail to the appellant/accused.

(a) Accordingly, the appellant is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned District Sessions Judge (Special Court for Trial of Cases under SC/ST(POA) Act, Thiruvannamalai and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



(c) the appellant on his release from prison shall appear before the respondent Police station, daily at 10.30 a.m. until further orders.

(d) the appellant shall not abscond during trial;

(e) the appellant shall not tamper with evidence or witness during trial;

(f) on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court 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/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The District Sessions Judge,
Special Court for Trial of Cases
under SC/ST(POA) Act,
Thiruvannamalai
2. The Deputy Superintendent of Police
Thiruvannamalai(Rural Sub-Division),
Thiruvannamalai District.
Crime No.495 of 2021.
3. The Inspector of Police,
Vanapuram Police Station,
Thiruvannamalai District.
4. The Superintendent,
Central Prison,
Vellore.



5. The Public Prosecutor
High Court, Madras.

Copy To:-

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.S.Silambuselvan, Advocate, S.R.No.12811

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AK(CO)
PBS/01/03/2022