



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.A.NO.268 OF 2022

1. Ajay

2. Nataraj

... Appellants/Accused
No.1 & 4

.Vs.

1. The Deputy Superintendent of Police,
Valapadi, Salem District.

2. The State by
The Inspector of Police,
Ethappur Police Station,
Salem District.
(Crime No.15 of 2022)

... 1st & 2nd Respondents/
Complainant

3. Mani

... 3rd Respondent/Defacto
Complainant

PRAYER:-

Criminal Appeal filed is filed under Section 14-A of Schedule Caste and Schedule Tribes Amendment Act, 2015, praying to set aside the order passed by the learned Principal Sessions Judge, Salem in Crl.M.P.No.805 of 2022 dated 25.02.2022 and enlarge the appellants on bail concerned in Crime No.15 of 2022 on the file of Inspector of Police, Ethappur Police Station, Salem District.

For Appellant : Mr.K.Balu

For Respondents : Mr.Leonard Arul Joseph Selvam
1 & 2 Government Advocate
(Criminal Side)

For Respondent 3 : No appearance



JUDGMENT

Being dissatisfied with the order dated 25.02.2022 made in CrI.M.P.No.805 of 2022 on the file of the Principal Sessions Court, Salem, the appellants, who were arrayed as Accused Nos.1 and 4 in Crime No.15 of 2022 on the file of the Ethappur Police Station, Salem, have preferred this appeal and praying to enlarge them on bail.

2. The case of the prosecution is that on 16.01.2022, when one Ramani and Sanjay were going in two wheeler, due to loss of petrol, they parked the vehicle in the occurrence place. At that time, the first petitioner took the key of the vehicle and the same was informed to the defacto complainant. On the same day, around 1.00 p.m., when the defacto complainant and one Kavimuthu questioned the act of the accused, there was a wordly quarrel arose between them, wherein the appellants and other accused abused the defacto complainant by using his caste name and attacked him with wooden log and also threatened him with dire consequences. Hence, a case was registered against the appellants and other accused for the alleged offences under Sections 147, 148, 323, 324, 506(ii) of I.P.C. r/w. Sections 3 (1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

3. The learned counsel for the appellants would submit that the appellants have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that as of now, the person, who sustained injury in the alleged occurrence has been discharged from the hospital after completing treatment. Further, the portion of the investigation has been completed and the appellants are in the judicial custody from 17.01.2022 onwards. Hence, he prays to set aside the order dated 25.02.2022 and to enlarge the appellants on bail.

4. Though notice has been sent to the defacto complainant, after receipt of the same, none appeared on behalf of him either in person or through counsel.

5. The learned Government Advocate (CrI. Side) appearing for the respondent/Police raised objection stating that the investigation is pending.

6. The submissions made by the learned counsel appearing on either side are considered.

7. The respondent police registered a case as against the appellants for the offences punishable under Sections 147, 148,



323, 324, 506(ii) of I.P.C. r/w. Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015. The averments found in the First Information Report would disclose the fact that both the defacto complainant and the accused developed wordy quarrel and as a result of which, the alleged occurrence had happened. As of now, the portion of the investigation has been completed. Further, the appellants are in the judicial custody from 17.01.2022 and therefore, further custody of the appellants may not be necessary for completing the investigation.

8. Hence, taking note of all the above said aspects into consideration, and having regard to the nature of offence committed by the appellants, particularly, considering the period of incarceration, this Court is inclined to grant bail to the appellants subject to certain conditions.

9. Accordingly, the appellants are ordered to be released on bail subject to the following conditions;

(a) the appellants shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Salem.

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

(c) The appellants shall appear before the respondent police daily at 10.30 a.m., until further orders;

(d) the appellants shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



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

In the result, the order passed by the learned Principal Sessions Judge, Salem in Crl.M.P.No.805 of 2022 dated 25.02.2022 is set aside and the Criminal Appeal is accordingly allowed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Sessions Judge,
Salem.
2. The Deputy Superintendent of Police,
Valapadi,
Salem District.
3. The Inspector of Police,
Ethappur Police Station,
Salem District.
4. The Superintendent,
Central Prison,
Salem.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Balu, Advocate, S.R.No.20452

CRL.A.NO.268 OF 2022

SSD(CO)
PBS/28/03/2022