



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.A.No.317 of 2022

Vignesh

... Appellant/A20

vs.

1.State Represented by

The Deputy Superintendent of Police,
Kitchipalayam Police Station,
Salem 636 015
(crime No.1182 of 2020)

2.The Inspector of Police,
Kitchipalayam Police Station,
Salem

3.Jansirani

... Respondents

PRAYER: Criminal Appeal filed under Section 14-A(2) of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989 praying to set aside the order passed in Crl.M.P.No.669 of 2022 dated 21.02.2022 on the file of the learned Principal Sessions Judge, Salem and enlarge the appellant on bail in Crime No.1182 of 2020 on the file of the first respondent police.

For Appellant :Mr.P.Rajkumar

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

For Respondent-3 :No appearance

JUDGMENT

Being dissatisfied with the order dated 21.02.2022 made in Crl.M.P.No.669 of 2022, on the file of the learned Principal Sessions Judge, Salem, the appellant/A20 in Crime No.1182 of 2020 on the file of the first respondent Police, has preferred this appeal praying to set aside the order dated 21.02.2022 and to enlarge him on bail.

2. The case of the prosecution is that the defacto complainant's husband Selladurai is a rowdy element and there



was enmity between the defacto complainant's husband's group and one Suriyamoorthy group. Due to previous enmity, on 22.12.2020 at about 7.30 p.m., when the defacto complainant's husband was proceeding along with the defacto complainant and one, Valarmathi in his car on Appar Street, the appellant and other accused came with 'veecharuval' in cars and two wheelers and waylaid the car, in which the defacto complainant, her husband and one, Valarmathi were proceeding, and attacked the defacto complainant's husband with 'veecharuval'. Immediately, the defacto complainant's husband was brought to the hospital, wherein the doctor declared him as dead. Hence the case.

3. The learned counsel appearing for the appellant would submit that the appellant is an innocent person and he has been falsely implicated in this case. He would further submit that the other accused who are all involved in the alleged occurrence are already granted bail by this Court and as of now, the respondent police after completing investigation, filed final report. According to him, the appellant is in judicial custody from 23.12.2020 onwards. Hence, he prays for bail to the appellant by allowing this criminal appeal.

4. The learned Government Advocate (Crl. Side) appearing for the respondent/Police fairly admits that as of now, investigation has been completed in this case. Further, the appellant is the first accused. However, he opposes this appeal saying that apart from the offence under the provisions of SC/ST Act, offence under Section 302 of IPC is also been registered against the appellant.

5. Submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the appellant is the first accused. Totally 32 accused are involved in the alleged occurrence. From where, some of them already granted with bail. As of now, investigation has been completed and charge sheet also filed before the trial court.

7. Hence, taking note of all the above said aspects into consideration, particularly on considering the period of incarceration, also due to the reason that some of the accused are already granted with bail, this Court is inclined to grant bail to the appellant by allowing this criminal appeal.

8. Accordingly, the appellant is ordered to be released on bail subject to the following conditions;

(a) the appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), 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 appellant shall appear before the trial court i.e. learned Principal Sessions Judge, Salem, daily at 10.30 a.m. until further orders.

(d) the appellant 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 appellant in accordance with law as if the conditions have been imposed and the appellant 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 CrI.M.P.No.669 of 2022 dated 21.02.2022 is set aside and the Criminal Appeal is accordingly allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

lok

To

1.The Principal Sessions Judge,
Salem

2.The Deputy Superintendent of Police,
Kitchipalayam Police Station,
Salem 636 015



3.The Inspector of Police,
Kitchipalayam Police Station,
Salem

4.The Superintendent,
Central Prison, Salem.

5.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.P.Rajkumar Pandian, Advocate, S.R.No.4863

Crl.A.No.317 of 2022

RGN(CO)
CB(31/03/2022)