



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.450 of 2022

K. Manikandan

...Appellant

Versus

1. The State Rep. by,
The Deputy Superintendent of Police,
Polur Sub Division,
Kadaladi Police station,
Thiruvannamalai District.

2. The State Rep by,
The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District.
Crime No. 38 of 2022

3. N.Muthumaran

...Respondents

Prayer : Criminal Appeal filed u/s.14A(2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amended Act 2018, praying to set aside the order passed in Crl.M.P.No.54 of 2022 dated 15.02.2022 by the Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Attrocities) Act, 1898, Thiruvannamalai and consequently enlarge the appellant on bail in respect of Crime No.38 of 2022 on the file of the Deputy Superintendent of Police, Polur Sub Division, Thiruvannamalai District.

For Appellant : Mr.S.B.Viswanathan
For R1 &R2 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R3 : No appearance

JUDGMENT

This appeal is filed aggrieved by the order of dismissal of bail order made in Cr.M.P.No.54 of 2022 by the Special Court for Exclusive Trial of Cases under Scheduled Castes and the Scheduled Tribes (Prevention of Attrocities) Act, 1898, Thiruvannamalai, wherein, the petitioner is arrayed as an



accused. The petitioner is also said to be implicated as an accused and he is in judicial custody since 08.02.2022. The allegation in the crime is that there was a communal clash between two groups.

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2. The learned counsel appearing on behalf of the victim would submit that, in respect of other accused, certain conditions were imposed while granting bail. Hence, similar conditions may also be imposed to this petitioner also.

3. Considering the over all facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions :

(a) the petitioner is ordered to be released on bail, on his executing 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 Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the second respondent Police daily at 10.30 a.m., until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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]; and;



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

5. Accordingly, this Criminal Appeal is allowed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sma

To

1. The Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes,
(Prevention of Atrocities Act 1898,
Thiruvannamalai.
2. The Deputy Superintendent of Police,
Polur Sub Division,
Kadaladi Police station,
Thiruvannamalai District.
3. The State Rep by,
The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai District.
4. The Central Prison,
Vellore.
5. The Public Prosecutor,
Madras High Court.

+1 cc to Mr.S.B.Viswanathan, Advocate, S.R.No.32739

Crl.A.No.450 of 2022

BP(CO)
KKV/08/06/2022