



WEB COPY



Crl.A.No.816 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.816 of 2022

G.Manivannan

... Appellant/Accused

Versus

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

2.State, Rep. by the Inspector of Police,
Pullapatty Police Station,
Salem District.

... Respondents/Complainants

3.A.Mani

... Respondent/Defacto Complainant

Prayer: Criminal Appeal Case filed under Section 14 (A) (2) of the Scheduled Castes and the Schedule Tribes Act, 1989 to call for the records in Crl.M.P.No.2478 of 2022 in S.C.No.53 of 2019 dated 16.06.2022 under the Schedule Castes and Schedule Tribes (Prevention of Atrocities Act) 1989 on the file of the learned Principal District and Sessions Judge, Salem and allow the Criminal Appeal.

For Appellant : Mr.R.Sankarasubbu

For Respondent : Mr.S.Vinoth Kumar,
Nos.1 & 2 Government Advocate (Crl.Side)

For Respondent :No appearance
No.3



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J U D G M E N T

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This is a case in which the petitioner is alleged to have committed the offences under Sections 147, 341, 427, 447, 323, 504(i) IPC and Section 3 (i)(x) of SC & ST Act r/w Section 3(1) of the TNPPD Act.

2.A perusal of the records of this case reveals that originally the petitioner was granted bail. Subsequently, he was absconding for a period of about one year and thereupon when he was again apprehended, he filed a bail application which was rejected and again an appeal was filed before this Court and the same was dismissed with a direction to complete the trial within a period of three months. Citing change of circumstances once again bail application was filed and the same is dismissed, as against which, the present appeal is filed.

3.The learned counsel for the appellant would submit that the petitioner will not abscond and co-operate in the trial and will appear before the Trial Court everyday so as to show his bonafide and he will not abscond. He further submitted that he has got a fair chance to succeed in the trial and therefore, there is no question of him absconding and failing to appear before the Trial Court.



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4.Per contra, the learned Government Advocate (Crl.Side) would submit that this is a case in which indulgence has been shown to the appellant by granting bail. But only because he was absconding and not appearing before the Trial Court, now he is in jail.

5.I have considered the rival submissions made on either side and perused the material records in this case. Considering the nature of allegations and considering the fact that the petitioner is in prison from 04.03.2022 and considering the fact that three months time for completion of trial granted by this Court was already over and the stage of the trial is that so far only four witnesses have been examined, I am of the view that this is a fit case for grant of bail to the appellant. Accordingly, the appellant shall be enlarged on bail on the following conditions:

(a) The order of the learned Principal District and Sessions Judge, Salem in Crl.M.P.No.2478 of 2022 in S.C.No.53 of 2019, dated 16.06.2022 is set aside.

(b) the appellant is ordered to be released on bail, on 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 learned Principal

District and Sessions Judge, Salem;



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(c) the appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(d) the appellant shall appear before the Trial Court every day at 10.30 a.m. without fail untill further orders.

6. This Criminal Appeal is ordered accordingly.

12.08.2022

Index : Yes/No
Internet: Yes /No
Speaking/Non-speaking order
sli



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To

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



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D.BHARATHA CHAKRAVARTHY, J.

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