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CrI.A.No. 848 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2022

CORAM :

THE HON'BLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**

CrI.A.No. 848 of 2022

Ayyappan @ Sri Sabari Ayyappan

... Appellant

Versus

1.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Mettur, Salem District.

2.State by;
The Inspector of Police,
Mecheri Police Station,
Salem District.

3. Kirshnakumar

... Respondents

Criminal Appeal filed under Section 14(A) of the Scheduled Castes and Schedule Tribes Amendment Act, 2015, praying to set aside the order passed by the learned Principal Sessions Judge, Salem, in CrI.M.P.No.2519 of 2022, dated 12.07.2022 and enlarge the appellant on bail concerned in Crime No. 291 of 2022 on the file of the Inspector of Police, Mecheri Police Station, Salem District.



Crl.A.No. 848 of 2022

WEB COPY

For Petitioner : Mr.P. Muthamizhselvakumar
For RR 1 & 2 : Mr.S.Vinoth Kumar,
Government Advocate (Crl.side)

J U D G M E N T

This appeal is filed aggrieved by the order of the learned Principal Sessions Judge, Salem District, dated 12.07.2022 in Crl.M.P.No.2519 of 2022, in and by which, the prayer of the petitioner, to enlarge him on bail, was rejected.

2.The gist of the allegation is that the petitioner/accused assaulted the de-facto complainant with iron rod and also abused him calling caste name, in which the de-facto complainant injured. Therefore, the case is registered against the petitioner/accused under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Section 3(1)(r) and 3(1)(s) of the SC & ST (Prevention of Atrocities) Amendment Act, 2015.



Crl.A.No. 848 of 2022

WEB COPY

3. The learned counsel for the petitioner submitted that the allegation against the petitioner is that the petitioner assaulted the de-facto complainant with an iron rod and also abused him by using caste name. He further submitted that the petitioner is in prison from 08.07.2022.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1&2 submitted that he has confirmed the fact that the de-facto complainant was discharged from the hospital.

5. Notice was served on the de-facto complainant. None appeared on behalf of him.

6. I have considered the allegations made in this case and considering the nature of allegations and the fact that the petitioner was arrested and he is in judicial custody from 08.07.2022 and considering the fact that there are no antecedents against the petitioner, I am of the view that this is a fit case for enlargement of the petitioner on bail.



Crl.A.No. 848 of 2022

WEB COPY

7. Therefore, the criminal appeal is allowed. Order of the learned Principal Sessions Judge, Salem District, dated 12.07.2022 in Crl.M.P.No. 2519 of 2022 is set aside. The petitioner is enlarged on bail 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 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;

(c) the petitioner shall report before the second respondent/Inspector of Police everyday at 10.30 a.m. for a period of four weeks.

8. Accordingly, this Criminal Appeal is allowed.

18.08.2022

Index : yes/no
speaking/Non-speaking order
msm

Note: Issue Order copy today (18.08.2022)



CrI.A.No. 848 of 2022

WEB COPY

- To
- 1.The Principal Sessions Judge, Salem District.
 - 2.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Mettur, Salem District.
 - 3.The Inspector of Police,
Mecheri Police Station,
Salem District.
 - 4.The Superintendent,
Central Prison, Salem.
 - 5.The Public Prosecutor,
High Court of Madras, Chennai.



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CrI.A.No. 848 of 2022

D.BHARATHA CHAKRAVARTHY, J.

msm

CrI.A.No.848 of 2022

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