



Crl.A.No. 874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2022

CORAM :

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

Crl.A.No. 874 of 2022

S.B. Gandhi

... Appellant

Versus

1.The Deputy Superintendent of Police,
Gummidipoondi Sub Division,
Gummidipoondi
Thiruvallur District.

2.State by;
The Inspector of Police,
Kavarapettai Police Station
Thiruvallur District
(Crime No. 75 of 2022)

... Respondents

Criminal Appeal filed under Section 14(A) (2) of the Scheduled Castes and Schedule Tribes Amendment Act, 2015, praying to set aside the order passed by the learned Principal District and Sessions Judge, Thiruvallur District, made in Crl.M.P.No.2796 of 2022, dated 27.07.2022 and enlarge the appellant on bail concerned in Crime No. 75 of 2022 on the file of the Inspector of Police, Kavarapettai Police Station, Thiruvallur District.



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For Petitioner : Mr.S. Udhayakumar
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 District and Sessions Judge, Thiruvallur District, dated 27.07.2022 made in Crl.M.P.No.2796 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 abused the de-facto complainant by calling his caste name by using filthy language and threatened him. Therefore, the case is registered against the petitioner/accused under Sections 341, 294(b), 506 Part-I IPC and Sections 3(1)(r) and 3(1)(s) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015.

3. The learned counsel for the petitioner submitted that the



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allegation against the petitioner is that the petitioner abused the de-facto complainant and abused him by using his caste name and also threatened the de-facto complainant. He further submitted that the petitioner is in prison from 08.07.2022.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the petitioner was arrested and remanded from 08.07.2022.

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, I am of the view that this is a fit case for enlargement of the petitioner on bail.

7. Therefore, the criminal appeal is allowed. Order of the learned



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Principal District and Sessions Judge, Thiruvallur District, dated 27.07.2022 in Crl.M.P.No. 2796 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 every day at 10.30 a.m. for a period of four weeks.

8. Accordingly, this Criminal Appeal is allowed.

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Index : yes/no

speaking/Non-speaking order

Note: Issue Order copy today (18.08.2022)

To



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1. The Principal District and Sessions Judge,
Thiruvallur District.
2. The Deputy Superintendent of Police,
Gummidipoondi Sub Division,
Gummidipoondi
Thiruvallur District.
3. The Inspector of Police,
Kavarapettai Police Station
Thiruvallur District
(Crime No. 75 of 2022)
4. The Public Prosecutor,
High Court of Madras, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

msm

CrI.A.No.874 of 2022

18.08.2022