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Criminal Appeal No. 1151 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Criminal Appeal No. 1151 of 2022

Jayaraman

... Appellant / Accused

-VS-

1. The Assistant Commissioner of Police
Salem City (North)
(Crime No. 346/2022 of Karuppur PS)

2. The Inspector of Police
Karuppur Police Station
Salem City.

3. Govindan

... Respondents

Criminal Appeal filed under Section 14-A (2) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, to allow the appeal by set aside the bail dismissal order dated 17.10.2022 passed by the Principal Sessions Judge, Salem in C.M.P. No. 3495 of 2022 and enlarge the petitioner on bail in Crime No. 346 of 2022 on the file of Inspector of Police, Karuppur Police Station, Salem District.



Criminal Appeal No. 1151 of 20__

For Petitioner : Mr. B.Vasudevan

For Respondents : Mr. C.E.Pratap
Government Advocate (Criminal Side)

ORDER

The present Criminal Appeal is filed challenging the impugned order dated 17.10.2022 passed in CrI.M.P.No.3495 of 2022 by the Principal Sessions Judge, Salem.

2. The learned counsel for the petitioner submitted that the respondent police has registered a case against the petitioner in Crime No. 346 of 2022 for the offences punishable under Sections 3(1)(s) and 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act. Further, he contended that the petitioner is in custody from 07.10.2022. The offence punishable is not less than six months and may extend to five years. The police also not filed the final report and the petitioner is entitled for statutory bail. Therefore, seeking to set aside the impugned order dismissing the bail application, the appellant has filed this appeal.

3. The learned Additional Public Prosecutor for the State has objected to grant bail.



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4. The learned counsel appearing for the defacto complainant represented that she had no objection as there is a talk for compromise between the parties.

5. On a perusal of the record, the fact reveals that the respondent police registered a case against the petitioner accused in Crime No. 346 of 2022 and he is in custody for offences under Sections 3(1)(s) and 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, he was arrested and remanded to judicial custody on 7.10.2022. Further, it is brought to the notice of this Court that the police did not file final report as on date. The offences are punishable not less than six months and may extend to five years and with fine. Apart from this, learned counsel appearing for the defacto complainant reported no objection and compromise talks are going on to settle the dispute between the parties.

6. Considering the submission that compromise talks are going on to settle the dispute between the parties, that the petitioner is in custody from 07.10.2022 and the final report has not been filed as on date the petitioner is entitled to release on bail. Therefore the impugned order is hereby set aside



and it is ordered the petitioner is released on bail and the petitioner is released on executing a own bond for 10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Principal Sessions Judge, Special Court for SC/ST (POA) Act Cases, Salem and on condition that he should appear before the Trial Court whenever required, and on further condition that he shall affix his photograph and Left Thumb Impression in the surety bond and the trial Court, may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

08.12.2022

Maya

Note : Issue order copy on 08.12.2022.

Index : Yes/No

Internet : Yes

Speaking /Non-speaking order

To

1. The Principal Sessions Judge,
Salem.
2. The Assistant Commissioner of Police
Salem City (North)
(Crime No. 346/2022 of Karuppur PS)
3. The Inspector of Police
Karuppur Police Station
Salem City.
4. The Public Prosecutor
Madras High Court



Chennai.

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V.SIVAGNANAM, J.
Maya

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