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Crl.A.No.1173 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.A.No.1173 of 2022

R.Gokul Raj

... Petitioner

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
Vanthavasi Range,
Kilkodungalore Police Station,
Tiruvanamalai,
(Crime No.168 of 2022)

2.Mr.J.Jayaraman

... Respondents

PRAYER: Criminal Appeal filed Under Section 14-A of SC/ST Act, to set aside the order in Crl.M.P.NO.1229 of 2022, dated 01.11.2022 passed by the learned Special District and Sessions Court SC/ST cases at Tiruvannamalai.

For Petitioner
For R1

: Mr.C.Somasekar
: Mr.C.E.Pratap,
Government Advocate (Crl. Side)

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ORDER

This Criminal Appeal is filed to set aside the order in Crl.M.P.NO.1229 of 2022, dated 01.11.2022 passed by the learned Special District and Sessions Court SC/ST cases at Tiruvannamalai.

2.The learned counsel for the petitioner submitted that the petitioner is A3 in Crime No.168 of 2022. The first respondent had registered a case in Crime No.168 of 2022 against the petitioner/A3 and others for the offence under Sections 294 (b), 341, 323, 302 of IPC r/w Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Amendment Act 2015. He was arrested on 12.07.2022 and he is in judicial custody for more than 150 days. In this case, the first respondent police had completed the investigation, filed the final report and the case has been taken on the file of the Special District and Sessions Court for SC/ST Act cases at Tiruvannamalai and numbered as Spl.S.C.No.50 of 2022. In the mean time, the petitioner herein had filed a petition in Crl.M.P.No.1229 of 2022 seeking bail. The trial Court had dismissed the bail application filed by the



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petitioner in Crl.M.P.No.1229 of 2022 on the ground that he will not co-operate for trial in Spl.S.C.No.50 of 2022.

3.The learned counsel for the petitioner further contented that he is ready to abide any condition imposed by this Court and he will co-operate with the trial and seeks to grant bail.

4.The learned Government Advocate (Crl.Side) submitted that the investigation has been completed and charge sheet has been filed and taken as Spl.S.C.No.50 of 2022 and the case is further posted on 28.12.2022 for framing of charge.

5.On perusal of the record the fact reveals that the petitioner is the third accused in the case registered by the first respondent police in Crime No.168 of 2022 for the offence under Sections 294 (b), 341, 323, 302 of IPC r/w Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Amendment Act 2015. The respondent police after investigation filed the



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charge sheet against this petitioner and two other persons before the Special District and Sessions Court for SC/ST Act cases at Tiruvannamalai and the same has been taken on file and numbered as Spl.S.C.No.50 of 2022 and further the said case is posted for framing of charge on 28.12.2022. The petitioner herein was arrested on 12.07.2022 and he was remanded to judicial custody and he is in custody for more than 150 days from the above said date i.e. 12.07.2022.

6.In view of the undertaking given by the learned counsel for the petitioner and on perusal of the records, this Court is inclined to allow this petition and also inclined to grant bail to the petitioner. In view of the same, this Criminal Appeal is allowed and the order dated 01.11.2022 passed in Crl.M.P.No.1229 of 2022 by the learned Special District and Sessions Court SC/ST Case at Tiruvannamalai is hereby set aside.

7.Accordingly, the petitioner is ordered to be released on bail on his executing bond for a sum of Rs.25,000/- (Rupees Twenty five



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Thousand only) with two sureties, each for a like sum to the satisfaction of the *learned Sessions Judge, Special District and Sessions Court for exclusive trial of cases under SC/ST Act at Tiruvannamalai*, and on further conditions that:

(a) 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;

(ii) the petitioner shall appear before the trial Court, as and when required.

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

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

(v) 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



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conditions have been imposed and the petitioner 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;

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

16.12.2022

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NOTE: ISSUE ORDER COPY ON 20.12.2022

To

- 1.The Sessions Judge,
The Special District and Sessions Court
for exclusive trial of cases under SC/ST Act at
Tiruvannamalai District.
- 2.The Deputy Superintendent of Police,
Vanthavasi Range,
Kilkodungalore Police Station,
Tiruvannamalai
- 3.The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.,
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