



Crl.A.No.101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

CORAM:

THE HONOURABLE Mr.JUSTICE **V.SIVAGNANAM**

Criminal Appeal No.101 of 2023

Gnanasekaran

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.

2.State rep. by
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(crime no.375 of 2022)

3.Sarathammal

... Respondents

Prayer: Criminal Appeal filed under Section 14 -A(2) of SC/ST Act to set aside the order dated 12.01.2023 made in Crl.M.P.No.181 of 2023 on the file of the learned Principal District & Sessions Judge at Nagapattinam and consequently, enlarge the appellants on bail in the above Crime No.375/2022, pending investigation on the file of the 2rd respondent police.



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For appellant	: Mr.M.Selvam
For Respondents 1 & 2	: Mr.C.E.Pratap, Government Advocate(Crl. Side)
For 3 rd respondent	: Notice served. No Appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the order dated 12.01.2023 made in Crl.M.P.No.181 of 2023 on the file of the learned Principal District & Sessions Judge at Nagapattinam and consequently, enlarge the appellant on bail in the above Crime No.375/2022, pending investigation on the file of the 2nd respondent police.

2.The case of the prosecution is that one Ms.Sarathammal, gave a complaint against the appellant on 18.12.2022 stating that on 17.12.2022 at about 9pm, when she was standing near her house, the appellant had scolded the defacto-complainant along with another in filthy language using their caste name and attacked her with hands and threatened her. Therefore, a case has been registered by the respondent



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Police against the appellant on 18.12.2022 in Cr No.375 of 2022 under Sections 294(b) of IPC r/w.3(1)(s), 3(1)(r), 3(2)(ii), 3(2)(iii) & 3(2)(va) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.During the course of investigation, the respondent police arrested the accused person/appellant herein on 19.12.2022 and remanded to judicial custody. In such circumstances, the appellant herein, filed a petition in Crl.M.P.No.181 of 2023 before the Principal District and Sessions Judge, Nagapattinam under Section 439 of Cr.PC seeking bail and the same was dismissed on 12.01.2023. Challenging the above said order, the appellant filed the present appeal, seeking to set aside the order passed by the Trial Judge and also to enlarge him on bail.

4.The learned counsel for the appellant submitted that a case has been registered by the respondent Police against the appellant on 18.12.2022 in Cr No.375 of 2022 under Sections 294(b) of IPC r/w.3(1)(s), 3(1)(r), 3(2)(ii), 3(2)(iii) & 3(2)(va) of the Scheduled Casts



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and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

The appellant was arrested and remanded to judicial custody on 19.12.2022. The learned counsel further submitted that the appellant is an innocent and he has not committed any offence as alleged by the third respondent and a false case has been registered against him due to previous enmity and only a wordy quarrel occurred between them but nobody were sustained injuries.

5. The learned counsel for the appellant further submitted that the appellant is in judicial custody from 19.12.2022 and hence, he seeks to grant bail to the appellant.

6.The learned Government Advocate(Crl side) appearing for the respondents 1 & 2 has submitted that the appellant had scolded the defacto-complainant alongwith another, in filthy language using their caste name and attacked her with hands and threatened her. Now, in this case, investigation is under progress. Hence, if the appellant is let on bail, there is a possibility of absconding and also tampering evidence and



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threaten the witnesses. Therefore, he opposed to grant bail to the appellant.

7.Heard Mr.M.Selvam, learned counsel for the appellant and Mr.C.E.Pratap, learned Government Advocate(Crl side) on behalf of the respondents 1 & 2 and perused the entire materials on record. Despite service of notice and name also printed in the cause list, none appeared on behalf of the third respondent/defacto complainant.

8.It is seen that one Ms.Sarathammal, gave a complaint against the appellant on 18.12.2022 stating that on 17.12.2022 at about 9pm, when she was standing near her house, the appellant/accused along with others came there and abused her using her caste name and assaulted with hand and also threatened her. Therefore, a case has been registered by the respondent Police against the appellant on 18.12.2022 in Cr No.375 of 2022 under Sections 294(b) of IPC r/w.3(1)(s), 3(1)(r), 3(2)(ii), 3(2)(iii) & 3(2)(va) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Considering the nature



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of the offence and other circumstances and also taking into account the submission made by the counsel for the appellant that the appellant is in judicial custody from 19.12.2022 and also considering the incarceration suffered by the appellant, this Court is inclined to grant bail to him.

9. Accordingly, this Criminal Appeal is allowed by setting aside the impugned order passed by the Trial Court in Crl.M.P.No.181 of 2023 dated 12.01.2023, and bail is granted to the appellant with the following conditions.

(i) The appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each, to the satisfaction of the learned Principal District & Session Judge at Nagapattinam.

(ii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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

(iv) the appellant shall report before the respondent police as and when required for interrogation.

(v) the appellant shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions has been imposed and the appellant 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;

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

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Internet:yes/no
Speaking order/ Non speaking order

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To

1.The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.

2.State rep. by
The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(crime no.375 of 2022)

3.The Public Prosecutor,
High Court of Madras,
Chennai.

4. The Principal District & Session Judge at
Nagapattinam.

5.The Superintendent,
District Prison, Nagapattinam.



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V.SIVAGNANAM,J.

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