



Crl.A.No.96 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM:

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

Criminal Appeal No.96 of 2023

K.Saravanan

.. Appellant

/versus/

1.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Coimbatore.

2.The State rep by
The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.

3.M.Sathish
Respondents

..

Criminal Appeal has been filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to call for the records pertaining to the order dated 12.01.2023 made in C.M.P.No.184 of 2023 on the file of the Principal Sessions Judge, Coimbatore and set aside the same and consequently enlarge the appellant on bail in connection with Crime No.547 of 2022 on the file of the respondent by allowing this appeal.



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For Appellant : Mr.R.Amardeep
For M/s.Tamizh Law Firm

For R1 & R2 : Mr.C.E.Pratap
Government Advocate(Crl.Side)

For R3 : Notice served-No appearance

JUDGMENT

This Criminal Appeal has been filed challenging the order dated 12.01.2023 passed in Crl.M.P.No.184 of 2023 in Crime No. 547 of 2022 on the file of the learned Principal Sessions Judge, Coimbatore.

2. In spite of notice sent to the 3rd respondent/complainant, the 3rd respondent is not appeared in person or through his counsel.

3. The learned counsel for the appellant submitted that there is a dispute between the *de facto* complainant and the accused with regard to transaction in the brick distribution business. In this connection, on 22.11.2022 at about 8.00 p.m., the accused contacted the complainant through the mobile phone and scolded with filthy language and has insulted by abusing his caste. Hence the case has been registered on



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02.12.2022. He further stated that the appellant is in custody, hence seeking grant of bail.

4. The learned Government Advocate (Crl.Side) for the respondents 1 and 2 submitted that as per the First Information Report, the *de facto* complainant has not sustained any injury. The complaint has been registered based upon the abusive language.

5. I have considered the submissions made by the learned counsel and perused the materials on record.

6. On perusal of the First Information Report, it is seen that the respondent police registered the case in Crime No.547 of 2022 for the offence under Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, based on the complaint given by the 3rd respondent/the *de facto* complainant. On 22.11.2022 at about 8.00 p.m., the accused taking advantage of the money dispute has contacted the complainant through the mobile phone



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and scolded with filthy language and has insulted by abusing his caste.

Hence the case has been registered by the respondent police.

7. Considering the nature of the offence and the accused is in custody, I am inclined to grant bail to the appellant and the appellant is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum, before the Principal District and Sessions Judge, Coimbatore on the following conditions;

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the appellant to appear before the trial Court on all hearing dates.

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



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(e) 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 have 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 5596]***; and;

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

8. With the above directions, this ***Criminal Appeal is allowed*** and the order passed by the Trial Court in Crl.M.P.No.184 of 2023 dated 12.01.2023 is set aside.

15.02.2023

Internet:yes/no
Speaking order/ Non speaking order
rpl

To

1.The Principal District and Sessions Judge, Coimbatore.

2.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,



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Coimbatore.

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V.SIVAGNANAM,J.

rpl

3.The Inspector of Police,
Vadavalli Police Station,
Coimbatore District.

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

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