



Crl.A.No.275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.A.No.275 of 2023

P.Sasikumar

... Appellant

Vs.

1. The Deputy Superintendent of Police,
Polur Sub Division, Polur Taluk,
Thiruvannamalai District.

2. The Inspector of Police,
Polur Police Station, Polur, Polur Taluk
Thiruvannamalai District.

3. G.Chandrasekaran

... Respondent

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST (POA) Act, 1989 to set aside the order passed in Crl.M.P.No.195 of 2023 dated 20.02.2023 passed by the Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989 Thiruvannamalai and consequently enlarge the appellant on bail in



Crl.A.No.275 of 2023

respect of Crime No.33 of 2023 on the file of the Deputy Superintendent of Police, Polur Sub Division Station, Thiruvannamalai District, pending investigation.

For Appellant

: Mr.S.B.Viswanathan

For Respondents 1 & 2

: Mr.A.Gokulakrishnan

Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Crl.M.P.No.195 of 2023 dated 20.02.2023 passed by the Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989 and consequently enlarge the appellant on bail.

2. The respondent police registered a case in Crime No.33/2023 against the appellant and other accused for the offence punishable under Sections 147, 148, 294(b), 323, 324, 427, 307 & 506(ii) IPC r/w Sec.3(l)(r), 3(l)(s), 3(2)(v) of SC/ST (POA) Act. The appellant filed a petition in

2 of 8



Crl.A.No.275 of 2023

Crl.M.P.No.195 of 2023 to grant bail to him and the same was dismissed by the above said Judge, vide order dated 20.02.2023. Challenging above said order, this criminal appeal has been filed.

3. The learned counsel for the appellant submitted that, the appellant is in custody from 25.01.2023. He further submitted that A1 Jayasankar was granted anticipatory bail by this Court in Crl.O.P.No.6154 of 2023 on 17.03.2023. Since the petitioner is in custody from 25.01.2023, and the injured also discharged from the hospital, seeks to grant bail.

4. When the matter is taken up, the learned Additional Public Prosecutor objected to grant bail to the appellant and contended that this is second bail petition and previous bail petition was dismissed by this Court.

5. Despite notice has been served to the third respondent and his name is printed in cause list, there is no representation for the third respondent and none appeared on his behalf.



Crl.A.No.275 of 2023

WEB COPY

6. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials on record.

7. A perusal of the records, the fact reveals that one Chandrasekaran gave a complaint alleging that on 24.01.2023 at about 9.30 a.m., in connection to a dispute of constructing a compound wall, the accused persons along with others assaulted him with stick and he sustained fracture injury on his hand and consequently, he had taken treatment. It is his further allegation that the accused abused him using caste name. It is the allegation in the complaint that only two persons, viz., Jayasankar and Sasikumar assaulted him with stick and caused injuries on his hand and now the victim also discharged from the hospital. The accused Jayashankar was granted anticipatory bail by this Court in Crl.O.P.No.6154 of 2023, on 17.03.2023.



Crl.A.No.275 of 2023

WEB COPY

8. In these circumstances, considering nature of allegations against the petitioner and as he is in custody from 25.01.2023, this Court is inclined to grant bail to the appellant with some conditions.

9. Accordingly, this Criminal Appeal is allowed by setting aside the impugned order dated passed in Crl.M.P.No.195/2023 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) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, Thiruvannamalai.*

(ii) the appellant and 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;



Crl.A.No.275 of 2023

WEB COPY

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

(iv) the appellant shall report before the Trial Court, as and when required by the Trial Court.

(v) the appellant shall not abscond during trial;

(vi) on breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge 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.

29.03.2023

vrc



Crl.A.No.275 of 2023

To
WEB COPY

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under SC/ST [POA] Act, 1989
Thiruvannamalai.
2. The Superintendent, Central Prison, Vellore
3. The Public Prosecutor, High Court of Madras, Chennai.



WEB COPY



Crl.A.No.275 of 2023

V.SIVAGNANAM, J.

VTC

Crl.A.No.275 of 2023

29.03.2023