



Crl.A.No.350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

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Vijayakumar

... Appellant

Vs.

1. State Rep by
The Assistant Commissioner of Police,
Anupparpalayam Range,
Tiruppur.

2. State Rep by
The Inspector of Police,
Thirumurugan Poondi Police Station,
Tiruppur District
(Crime No.187 of 2023)

3. Selvam

... Respondents

PRAYER : Criminal Appeal has been filed under section 14A (2) of SC & ST Act, to set aside the order dated 20.03.2023 made in Crl.M.P.No.551 of 2023 passed by the learned Principal Sessions Judge, Tiruppur and to allow the criminal appeal by enlarging the appellant on bail.



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For Appellant : Mr.M.N.Balakrishnan

For Respondents 1 & 2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor,

For Respondent-3 : Mr.A.C.Ravichandran

ORDER

This Criminal Appeal has been filed, praying to set aside the order passed in CrI.M.P.No.551 of 2023 by the learned Principal Sessions Judge, Tiruppur dated 20.03.2023 in Crime No.187 of 2023 on the file of the Inspector of Police, Thirumurugan Poondi Police Station, Tiruppur District and enlarge the appellant on bail.

2.The learned counsel for the appellant has submitted that the 2nd respondent Police registered a case against the appellant/accused on 07.03.2023 in Crime No.187 of 2023 for the alleged offences punishable under Sections 294(b), 323 of I.PC and 3(1)(r) and 3(1)(s) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)Amendment Act, 2015 in pursuant to the complaint given by one Selvam/the 3rd respondent



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herein. The appellant / accused is in judicial custody from 15.03.2023. He further submitted that the only allegation that the appellant / accused abused the defacto complainant using his caste name is a false one. Hence, the learned counsel prays for grant of bail to the appellant/Accused.

3.Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 objected for grant of bail to the appellant/accused stating that the investigation is still pending.

4.Heard Mr.M.N.Balakrishnan, learned counsel for the appellant, Mr.A.Gokulakrishnan, the learned Public Prosecutor for respondents 1 and 2 and Mr.A.C.Ravichandran, learned counsel for the 3rd respondent.

5.I have considered the submissions made by the learned counsel appearing for the respective parties and perused the entire materials placed on record.



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6. On perusal of the records and F.I.R., the facts reveal that the 3rd respondent / defacto complainant gave a complaint to the 2nd respondent Police on 07.03.2023 and alleged that the appellant / accused assaulted him along with 4 persons with hands and also abused him using his caste name. Hence, the 2nd respondent Police registered a case in Crime No.187 of 2023 for the offences under Sections 294(b), 323 of I.P.C and 3(1)(r) and 3(1)(s) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. In this case, the investigation has not been completed.

7. Considering the nature of the offences and the allegation levelled against the appellant / accused and also the fact that the appellant / accused is in judicial custody from 15.03.2023, I am inclined to grant bail to the appellant with the following conditions:

(i) The appellant/accused is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.25,000/-



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(Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tiruppur.

(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.

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

(iv) the appellant **shall report before the respondent Police on every Monday at 10.30 a.m. until further orders.**

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

(vi) on breach of any of the aforesaid conditions, the 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 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;



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(vii) if the accused thereafter absconds, a fresh FIR can be registered

under Section 229-A IPC.

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Index: Yes/No

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To

- 1.The learned Principal Sessions Judge, Tiruppur
2. The Assistant Commissioner of Police,
Anupparpalayam Range,
Tiruppur.
3. The Inspector of Police,
Thirumurugan Poondi Police Station,
Tiruppur District
4. The Superintendent,
Central Prison, Coimbatore.
- 5.The Public Prosecutor,
High Court of Madras,Chennai-104.



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V.SIVAGNANAM, J.,

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