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Crl.A.No.555 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.A.No.555 of 2023

Simeon D.Victor

... Appellant

Vs.

1. The Assistant Commissioner of Police,
M-4 Police Station Red Hills,
Puzhal, Chennai.

2. The State Rep by
The Inspector of Police,
Minjur Police Station, Chennai.
(Cr.No.179 of 2023).

3. Karthikeyan

... Respondents

PRAYER : Criminal Appeal has been filed under section 14A(2) of SC/ ST (Prevention of Atrocities) Act, 1989 Act 1989, to allow the present appeal by setting aside the order dated 10.05.2023 in Crl.M.P.No.1876 of 2023 on the file of the Hon'ble Principal District



Crl.A.No.555 of 2023

Court (Vacation Judge, Criminal Side) at Thiruvallur and enlarge the appellant on bail pending investigation in Crime No.179 of 2023 on the file of the 2nd respondent.

For Appellant : Mr.G.Mohana Krishnan

For Respondents1 & 2: Mr.A.Gokulakrishnan
Additional Public Prosecutor,

For Respondent-3 : Mr.B.Mohan Jawahar

ORDER

This Criminal Appeal has been filed, praying to set aside the order passed in Crl.M.P.No.1876 of 2023 by the Vacation Judge (Criminal Side) at Thiruvallur dated 10.05.2023 in Crime No.179 of 2023 on the file of the Inspector of Police, Minjur Police Station, Chennai and enlarge the appellant on bail.

2. The case of the prosecution is that the defacto complainant's



family belongs to scheduled caste community and the appellant is the correspondent of Emmanuvel Matriculation Higher Secondary School at Minjur. The defacto complainant's father Govindhan and one Subburayulu were called by the School to clear the drainage block manually in their school and both of them had gone into the pothole and did not come out even after 2 hours. Immediately, they had called the ambulance to rescue them and that, upon rescuing them, they had found that both of them were dead. Hence, the complaint.

3.The learned counsel for the appellant has submitted that the 2nd respondent Police registered a case against the appellant/accused on 02.05.2023 in Crime No.179 of 2023 for the offences alleged under Sections 304 IPC, Section 7 of Prevention of Manual Scavenging Act and Section 3(2)(va) of SC/ST(POA) Act in pursuant to the complaint given by one Karthikeyan. The appellant / accused is in judicial custody from 02.05.2023. The compensation amount of Rs.15,00,000/-



Crl.A.No.555 of 2023

each has been paid to the deceased families. He also submitted that the appellant would make effective defence during the trial. Hence, the learned counsel prays for grant of bail to the appellant/Accused.

4.Mr.B.Mohar Jawahar, learned counsel for the 3rd respondent/defacto complainant submitted that the compensation has been received by the defacto complainant's family and that he has no objection to grant bail to the appellant / accused.

5.Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that the investigation is under progress. He has also conceded that the compensation was given to the victim family.

6.Heard Mr.G.Mohana Krishnan, learned counsel for the



Crl.A.No.555 of 2023

appellant, Mr.A.Gokulakrishnan, the learned Public Prosecutor for respondents 1 and 2 and Mr.B.Mohan Jawahar, learned counsel for the 3rd respondent/defacto complainant.

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

8.On perusal of the records, the facts reveal that upon a complaint given by the 3rd respondent herein / defacto complainant, the 2nd respondent Police registered a case in Crime No.179 of 2023 for the offences under Sections 304 IPC, Section 7 of Prevention of Manual Scavenging Act and Section 3(2)(va) of SC/ST(POA) Act. In this case, the investigation has not been completed. The compensation amount has been given to the victim family.

9.Considering the nature of allegation against the appellant /



Crl.A.No.555 of 2023

accused and also considering the submissions made by the learned counsels for the respective parties, I am inclined to grant bail to the appellant.

10. Accordingly, this Criminal Appeal is allowed by setting aside the impugned order passed by the Trial Court in Crl.M.P.No.1876 of 2023 dated 10.05.2023, and bail is granted 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/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Hon'ble Judicial Magistrate-II, Thiruvallur.

(ii) The appellant and the sureties shall affix their photographs



Crl.A.No.555 of 2023

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 appear before the trial Court on receiving summons.**

(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



Crl.A.No.555 of 2023

registered under Section 229-A IPC.

01.06.2023

Index: Yes/No

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Note: Issue order copy on 02.06.2023

To

- 1.The Principal District Court (Vacation Judge, Criminal Side),
Thiruvallur
- 2.The Assistant Commissioner of Police,
M-4 Police Station Red Hills,
Puzhal, Chennai.
- 3.The Inspector of Police,
Minjur Police Station, Chennai.
- 4.The Superintendent,
Sub Jail, Ponneri.
- 5.The Public Prosecutor,
High Court of Madras, Chennai-104.

V.SIVAGNANAM, J.,



WEB COPY



Crl.A.No.555 of 2023

srn

Crl.A.No.555 of 2023

01.06.2023