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Crl.A.No.733 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM

THE HONOURABLE Mrs.JUSTICE **R.HEMALATHA**

Crl.A.No.733 of 2023

R. Senthamizhan

...Appellant

Vs.

1. State Rep by
The Deputy Superintendent of Police
Tiruvannamalai Taluk
Vettavalam Police Station
Crime No.189/2023

2. K.Thangarasu

.. Respondents

Prayer: Criminal Appeal filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity “the SC/ST Act”) to set aside the order dated 30.06.2023 passed in Crl.M.P.No.889 of 2023 on the file of the Special Court for SC/ST Cases, Tiruvannamalai, and to enlarge the appellant on bail.

For Appellant : Mr.K. Kannan

For R1 : Mr.S. Sugendran
Additional Public Prosecutor



JUDGMENT

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The present Criminal Appeal is filed against the orders dated 30.06.2023, passed in Crl.M.P.No.889 of 2023, on the file of the Special Court for SC/ST Cases, Tiruvannamalai, and to enlarge the appellant, who is the 1st accused in Crime No.189/2023 of Vettavalam Police Station, Thiruvannamalai District, on bail.

2. The case of the prosecution is that the persons belonging to Schedule caste community were not allowed to enter inside a Mariamman Temple and in this regard there was initially a wordy quarrel between two parties. According to the prosecution, both the parties subsequently intimidated each other and also pelted stones on each other.

3. Based on the complaint given by the 2nd respondent, the 1st respondent police registered a case against the present appellant in Crime No.189 of 2023 for the offences punishable under Section 341, 294(b), 323, 324, 506(i) IPC r/w Section 3(1) (r), 3(2)(va) of SC/ST (Prevention of Atrocities) Amendment Act 2015, and he was arrested and remanded to judicial custody on 18.06.2023.

4. The present appellant filed a petition under Section 439 Cr.P.C in Crl.M.P. No.889 of 2023 before the Special Court for SC/ST cases at Thiruvannamalai, and the said petition was dismissed by the Special Judge



SC/ST Cases on the ground that the investigation is still pending. Aggrieved over the same, the present Criminal Appeal is filed.

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5. Though notice was issued to the 2nd respondent and was served there was no representation on his behalf. His name was also printed in the cause list today.

6. Heard Mr.K. Kannan, learned counsel for the appellant and Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the first respondent.

7. Mr.K. Kannan, learned counsel for the appellant contended that the present appellant has nothing to do with the alleged offences and that a false case has been foisted against him. He would further contend that the present appellant is ready to abide by any condition that may be imposed by this court.

8. Per contra, the learned Additional Public Prosecutor contended that the investigation is not yet completed and that the appellant would tamper with the witnesses if he is enlarged on bail. He, therefore, prayed for



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dismissal of this criminal appeal.

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9. The petitioner has been in prison for more than a month and in the facts and circumstances, I am of the view that the petitioner can be enlarged on bail, but, of course, on the following conditions.

- i. The appellant shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Schedule Castes and the Schedule Tribes cases, Thiruvannamalai.
- ii. The sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and
- iii. The appellant shall appear before the respondent/police on every Saturday and Sunday at 10.30 a.m. and sign for a period of four weeks and thereafter, the appellant shall appear on the first working day of every month at 10.30 a.m. until further orders.

25.07.2023

bga

Note: Issue order copy on 26.07.2023



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To

1. The Special Judge for Schedule Castes and the Schedule Tribes cases,
Thiruvannamalai.
2. Superintendent of Prison
Sub-Jail, Thiruvannamalai
3. The Deputy Superintendent of Police
Tiruvannamalai Taluk
Vettavalam Police Station
Crime No.189/2023
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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R.HEMALATHA, J.

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