



Crl.A.No.1306 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.A.No.1306 of 2022

Abishek

.. Petitioner/Accused

/versus/

1. State Rep. by Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Crime No.562 of 2022)

... 1st respondent

2. Gopal

.. 2nd respondent/
Defecto Complainant

Prayer : Criminal Appeal has been filed under Section 14(A)(2) of SC/ST Act, 1989, to set aside the order of Learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Perambalur passed in Crl.M.P.No.1041 of 2022 dated 08.12.2022 and enlarge the appellant on bail in connection with the case in crime No.562 of 2022 on the file of the 1st respondent police.

For Appellant :Mr.E. Sathiyaraj

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

For R2 : Notice served-no appearance

J U D G M E N T



This Criminal Appeal has been filed against the impugned order passed by the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Perambular in Crl.M.P.No.1041 of 2022 dated 08.12.2022.

2. The learned counsel appearing for the petitioner submitted that based on the complaint given by the 2nd respondent/defacto complainant, a case was registered against six accused persons. The petitioner name was not mentioned in the F.I.R and on the confession of the co-accused, he has been falsely implicated in this case by the respondent police in crime 526 of 2022 for the offences punishable under Sections 147, 148, 294(b), 307, 302, 120(B), 34 I.P.C Section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Act. This petitioner was arrested and remanded to judicial custody from 16.08.2022. Now, he is in the judicial custody from 16.08.2022. If the petitioner may be released on bail, he is ready to abide any condition imposed by this Court.

3. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) for the 1st respondent submitted that in this case, six accused have been involved in this case and on the confession of co-accused, this petitioner was implicated in this case. The nature of the crime is grave in



nature. The investigation was completed and charge sheet has also been filed and the case has been taken on file as S.C.No.14 of 2022. Hence, he objected to grant bail and prayed to dismiss the petition.

4. Though notice has been sent to the defacto complainant and his name was printed in the cause list, there is no appearance neither on behalf of the defacto complainant nor through his counsel.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent and also perused the records.

6. On perusal of the records, the fact reveals that the respondent police registered a case in Crime No.562 of 2022 against six accused persons. Admittedly, the petitioner was arrested and remanded to judicial custody from 16.08.2022. Further, in this case, investigation has been completed and charge sheet has been filed and the case has been taken on file as S.C.No.14 of 2022. Considering the nature of the offence and origin of the crime and also taking note of the fact that investigation has been completed and final report has been filed, I am inclined to grant bail to the petitioner and the



impugned order passed by the trial Court is set aside.

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7. Accordingly, the Criminal Appeal is allowed on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) along with two sureties, each, for a likesum to the satisfaction of the Learned Judicial Magistrate-I, Perambalur.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- (iii) The petitioner shall appear before the trial Court as and when required.

03.01.2023

bsm

To,

- 1.The District and Sessions Judge (Special Court for SC/ST (POA)Act, Tiruvannamalai
- 2.The Inspector of Police, Perambalur Police Station, Perambalur District.
- 3.The Central Prison, Tiruchirappalli.
- 4.The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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