



CrI.A.No.108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.108 of 2024

V.Vinoth

... Appellant/Accused

Vs.

1.State rep. by

The Inspector of Police,
Thiruthani Police Station,
Thiruvallur District.
(Crime No.1410 of 2023)

2.The Deputy Superintendent of Police,
Thiruthani,
Thiruvallur District.

3.Jeevitha

... Respondents

Prayer: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to set aside the order passed by the learned Principal District and Sessions Judge, Thiruvallur in CrI.M.P.No.200 of 2024 dated 11.01.2024 and enlarge the appellant on bail in Crime No.1410 of 2023 on the file of Inspector of Police, Thiruthani Police Station, Thiruvallur District.



Crl.A.No.108 of 2024

For Appellant : Mr.S.Sasikumar
For Respondents-1 & 2 : Mr.C.E.Pratap
Government Advocate (Crl. Side)
For Respondent-3 : No appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order in Crl.M.P.No.200 of 2024 dated 11.01.2024 passed by the learned Principal District and Sessions Judge, Thiruvallur and enlarge the appellant on bail in connection with Crime No. 1410 of 2023 on the file of the first respondent Police.

2.The appellant, who is an accused in Crime No.1410 of 2023 for offences under Sections 294(b), 506(i) and 354D(1)(i) of I.P.C. and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was arrested by the respondent police on 07.12.2023. The appellant filed a bail application before the learned Principal District and Sessions Judge, Thiruvallur in Crl.M.P.No.200 of 2024 and the same was dismissed vide impugned order, dated 11.01.2024. Aggrieved over the same, the present Criminal Appeal is filed.



Crl.A.No.108 of 2024

WEB COPY

3.The contention of the appellant is that the appellant is innocent. He is a Social Activist and President of a Social Welfare Organization. The appellant had been sending representations for the misdeeds committed by the persons, who have misappropriated, swindled the Government money in the name of Rajiv Gandhi National Rural Employment Scheme. One such complaint is that the de-facto complainant's sister, who was employed as coordinator for the scheme, was removed from service. Later, the petitioner was appointed as coordinator for the scheme. He had also made complaint against the Panchayat President for misappropriation of funds, which was pending enquiry. Due to this enmity, the de-facto complainant has been used and the petitioner was earlier threatened by the respondent police for which, he filed a complaint before the State Human Rights Commission. The entire case is a handiwork of the interested people against the petitioner's active role against the misdeeds committed on the public funds.

4.The learned Government Advocate (Crl. Side) on instructions submitted that the petitioner was arrested on 07.12.2023. The petitioner and



the de-facto complainant belonging to the same village. The petitioner used to drop his wife for the employment in the said scheme. At that time he used to tease the de-facto complainant calling her by caste name, since she belongs to S.C. Community, gave wrong signals to outrage modesty of the de-facto complainant and constantly gave torture to her and threatened that if the de-facto complainant does not budge to the petitioner's wish, she would not be employed in the scheme. This has been going on for some time. Thereafter, on 15.11.2023, when the de-facto complainant along with one Selvi were walking near the Varavu Canal in the village, the petitioner came in a two wheeler and threatened as if he dashed against them and also took photograph of them and threatened that he would morphe the photographs and publish the same as obscene photos in the social media. Thus, based on the complaint, F.I.R. was registered. Further, in this case, investigation is almost completed and charge sheet to be filed shortly.

5. Notice has been taken to the third respondent/de-facto complainant. Affidavit of Service filed. From the Affidavit of Service it is seen that the third respondent received notice. Further the respondent police through



Crl.A.No.108 of 2024

jurisdictional police had served notice to the third respondent on 30.01.2024. The copy of the served notice has been produced.

6.On 07.02.2024, Mr.P.Parthipan, learned counsel appeared and sought time for filing vakalat on behalf of the third respondent. Today, when the matter is called, there is no representation for the third respondent. Despite the third respondent being served with the notice and made aware about the pendency of the above appeal, she has not entered appearance. In view of the same, it is to be seen that there is no serious objections by the third respondent.

7.Considering the submissions made and on perusal of the materials available on record, it is seen that the appellant is languishing in jail from 07.12.2023, investigation is almost completed and charge sheet to be filed shortly, further the appellant has got no bad antecedents, this Court is inclined to grant bail to the appellant subject to the following conditions:

(i)The appellants shall execute a bond for a sum of



Crl.A.No.108 of 2024

WEB COPY

Rs.10,000/- (Rupees Ten thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Tiruvallur.

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii)the appellant shall appear before the first respondent Police on every Monday at 10.30 a.m. till the filing of charge sheet and thereafter to appear before the Trial Court on every hearing dates.

(iv)The appellant shall not give any inconvenience or trouble knowingly or unknowingly to the third respondent, failing which, the bail shall be cancelled without any further reference.

(v)the appellant shall not commit any offences of similar



Crl.A.No.108 of 2024

WEB COPY

nature;

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

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

(viii)on breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

(ix)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.In view of the above, the impugned order in Crl.M.P.No.200 of



Crl.A.No.108 of 2024

2024, dated 11.01.2024 passed by the learned Principal District and Sessions Judge, Tiruvallur is set aside and the Criminal Appeal is, accordingly, allowed.

08.02.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
rsi

Note: Issue Order Copy on 08.02.2024.



CrI.A.No.108 of 2024

To

WEB COPY

- 1.The Principal District and Sessions Judge,
Thiruvallur.
- 2.The Inspector of Police,
Thiruthani Police Station,
Thiruvallur District.
- 3.The Deputy Superintendent of Police,
Thiruthani,
Thiruvallur District.
- 4.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.A.No.108 of 2024

M.NIRMAL KUMAR, J.

rsi

Crl.A.No.108 of 2024

08.02.2024