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Crl.A.No.346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.04.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.346 of 2024

Shanmugam

.....Appellant/Accused

Vs

1.The Deputy Superintendent of Police,
Vellore District.

.... 1st Respondent/Complainant

2.State Represented by
The Inspector of Police,
Thirupathur Taluk Police Station,
Cr.No.439/2023

.... 2nd Respondent/Complainant

3.Durgeshwari

.... 3rd Respondent
/Defacto Complainant

PRAYER: Criminal Appeal filed under Section 14 A (2) SC/ST (POA) Amended Act, 2015 to set aside the order made in Crl.M.P.No.165 of 2024 in Spl.S.C.No.2 of 2024 on the file of Special Court for SC/ST Act, Vellore, Vellore District, and enlarge the Appellant on bail.



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For Appellant : Mr.D.Balaji
For Respondent : Mrs. G.V.Kasthuri
Addl.Public Prosecutor [R1 & R2]
: No Appearance [R3]

J U D G M E N T

The Criminal Appeal has been filed as against the order of dismissal of Bail application in Crl.M.P.No.165/2024 dated 06.02.2024 passed by the Special Court for SC/ST Act, Vellore.

2. When the matter is taken up for hearing, learned counsel for the appellant submitted that the appellant is an innocent and he was falsely implicated in a case registered for the offence under Sections 294(b) , 307, 302 of IPC r/w Section 3(2)(va) of SC/ST (PoA) Amendment Act 2015 and remanded to judicial custody on 07.08.2023. He further submitted that the appellant is confined in Central Prison, Vellore for more than 220 days and that there is no previous case pending against the appellant. Hence, he prays this Court for grant of bail to the appellant.



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3. On the above contention, this Court heard the learned

Government Advocate appearing for the respondents 1 & 2.

4. Having regard to the fact that there are arguable points involved in the appeal, considering the period of incarceration and also the fact that there is no previous case pending against the appellant, this Court is inclined to grant bail to the appellant.

5. Accordingly, the Criminal Appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Thirupathur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellant shall report before



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the respondent police daily at 10.30 a.m. until further orders;

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

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

*(e) 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 have 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;*

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

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NHS

Note to Office :

Issue order copy on 18.04.2024.



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- 1.The Deputy Superintendent of Police,
Vellore District.
- 2.The Inspector of Police,
Thirupathur Taluk Police Station
- 3.The Judicial Magistrate No.2,
Thirupathur.
4. The Public Prosecutor,
High Court, Madras.
5. The Central Prison,
Vellore.



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M.DHANDAPANI,J.

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