



Crl.A.Nos.377, 379 and 382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

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THE HONOURABLE MR.JUSTICE M. DHANDAPANI

Criminal Appeal Nos.377, 379 and 382 of 2024

Kumar

... Appellant
in all Criminal Appeals

Versus

1. The State represented by
The Deputy Superintendent of Police,
Udumalpet Police Station,
Udumalpet, Tiruppur District - 642 126.

2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District - 642 126.
(Crime No.728 of 2023)

3. Selvakumar

... Respondents
in Crl.A.No.377 of 2024

1. The State represented by
The Deputy Superintendent of Police,
Udumalpet Police Station,
Udumalpet, Tiruppur District - 642 126.



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2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District - 642 126.
(Crime No.728 of 2023)

3. Sasikumar
4. Chella Durai
5. Senthilkumar
6. Kalimuthu

... Respondents
in Crl.A.No.379 of 2024

1. The State represented by
The Deputy Superintendent of Police,
Udumalpet Police Station,
Udumalpet, Tiruppur District - 642 126.
2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District - 642 126.
(Crime No.728 of 2023)

3. Tamil @ Shanmugasundaram

... Respondents
in Crl.A.No.382 of 2024

Common Prayer: These Criminal Appeals have been filed under Section 14 A(2) of SC/ST Act to cancel the bail order passed by the Principal District and Sessions Judge, Tiruppur, in Crl.M.P.Nos.376 of 2024, 378 of 2024 and 421 of 2024 dated 20.02.2024, respectively.



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Criminal Appeal No.377 of 2024

For Appellant : M/s.Lavanya Thirumalai

For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor
for R1 and R2

Mr.N.R.Elango, Senior Counsel
for Mr.A.K.Sachindhar

Criminal Appeal No.379 of 2024

For Appellant : M/s.Lavanya Thirumalai

For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor
for R1 and R2

Mr.N.R.Elango, Senior Counsel
for Mr.A.K.Sachindhar
for R3 and R4

Criminal Appeal No.382 of 2024

For Appellant : M/s.Lavanya Thirumalai

For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor
for R1 and R2

Mr.M.N.Balakrishnan for R3

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COMMON JUDGMENT

These Criminal Appeals have been filed to cancel the bail order passed by the Principal District and Sessions Judge, Tiruppur, in Crl.M.P.Nos.376 of 2024, 378 of 2024 and 421 of 2024 dated 20.02.2024, respectively.

2. The learned counsel appearing for the appellant would submit that the appellant is the defacto complainant and he made a complaint against the private respondents under Section 294(b), 342, 324, 506(2), 302 of IPC r/w 3(1)(r), 3(1)(s) & 3(2)(v) of SC and ST Act and earlier bail application filed by the respondents/accused was dismissed. Thereafter, the accused person filed a bail application before trial Court. However, without following the mandatory procedure contemplated under Section 15A of SC and ST Act, 1989, (hereinafter referred as 'the Act') the trial Court granted bail. In view of the above-said violation, these Criminal Appeals have been filed.



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3. The learned Senior Counsel and the learned counsel appearing for the respective respondents would submit that this Court may set aside the bail granted by the trial Court and grant liberty to the respective respondents to surrender before the trial Court on a particular day and further liberty may be granted to the respective respondents to file a bail application on the same day and after complying the procedure laid down under Section 15A of the Act, the trial Court may be directed to pass appropriate orders in the bail application filed by the respective respondents.

4. In view of the fair submission made by the learned Senior Counsel and learned counsel appearing for the respective respondents, this Court is inclined to set aside the bail granted by the trial Court on the ground of non-compliance of Section 15A of the Act. Accordingly, these Criminal Appeals are allowed and the impugned order is set aside on the following terms:-



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"The respective respondents are granted liberty to surrender before the trial Court on 10.06.2024 and are granted liberty to file bail application on the same day and after complying with the procedure under Section 15A of SC and ST Act, 1989, the trial Court is directed to decide the bail application and pass appropriate orders".

With the above-terms, these Criminal Appeals are allowed.

05.06.2024

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Note : Issue order copy on 05.06.2024



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To

1. The Principal District and Sessions Judge, Tiruppur.
2. The Deputy Superintendent of Police,
Udumalpet Police Station,
Udumalpet, Tiruppur District - 642 126.
3. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District - 642 126.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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M. DHANDAPANI, J.

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05.06.2024