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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.MP.No.8919 of 2024
in Crl.A.No.778 of 2024

Gunasekaran

...Appellant

Vs.

1. The Deputy Superintendent of Police,
Periyanaickenpalayam, Sub Division,
Thudialur Police Station,
Coimbatore.
Cr.No.697 of 2016

2. The Inspector of Police,
Thudialur Police Station,
Coimbatore.
Crime No.697 of 2016.

3. Nagarasan

...Respondents

Criminal Appeal filed under Section 389(1) of Cr.P.C. To suspend the sentence of the petitioner in judgment dated 28.03.2024 passed in Spl. SC.No.9 of 2023 on the file of Sessions Judge, The Special Court for Trial of Cases under SC/ST (PoA) Act, at Coimbatore to enlarge the petitioner on bail.

For Appellant : Mr.K.Myilsamy

For Respondents : Mrs.G.V.Kasthuri for RR1 & 2
Additional Public Prosecutor
: 3rd Respondent – No appearance



WEB COURT

Challenging the dismissal order dated 28.03.2024 passed in Spl. SC.No.9 of

2023 on the file of Sessions Judge, The Special Court for Trial of Cases under SC/ST (PoA) Act, at Coimbatore, this appeal has been filed seeking bail.

2. It is the case of the prosecution that there is a dispute between two community members. Based on the complaint made by the third respondent, the Appellant/accused (A2) was arrested and a case has been registered against him for the offences punishable under Sections 148 IPC, 323 IPC read with 149 IPC, 323 IPC read with Section 149 IPC read with 3(2)(va) of SC/ST (POA) Act, 2015, 324 IPC read with 149 IPC read with 3(2)(va) of SC/ST (POA) Act, 2015, Section 3(1)(r)(s) of SC/ST (POA) Act, 2015 under Section 307 of IPC read with Section 149 IPC under Section 307 IPC read with 149 IPC read with 3(2)(va) of SC/ST (POA) Act, 2015, in Crime No.697 of 2016 on the file of the first respondent police.

3. Heard the learned counsel for the Appellant, the learned Additional Public Prosecutor for the respondents 1 & 2 and the third respondent (party in person) and perused the materials available on record.

4. Learned counsel for the Appellant submitted that the appellant is

innocent and the entire allegation is false and no such occurrence had happened on



that day and the Appellant is in judicial custody for 30 days. Hence, he prays for grant of bail to the Appellant.

5. The learned Additional Public Prosecutor vehemently opposed to grant bail to the appellant.

6. Considering the above facts and circumstances of the case and also considering the period of incarceration of the Appellant, this Court is inclined to grant bail to the Appellant.

7. Accordingly, the miscellaneous petition is allowed and ***the Appellant is ordered to be released on bail subject to the following conditions:***

(i) 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 Sessions Judge, Special Court for trial of cases under SC & ST, Coimbatore;

(ii) the petitioner shall appear before the learned Sessions Judge, Special Court for trial of cases under SC & ST, Coimbatore weekly once i.e. First working day of every week at 10.30 a.m. until further orders;



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01.07.2024

Note to office: Issue order copy on 05.07.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

1. The Sessions Judge,
Special Court for trial of cases under SC & ST,
Coimbatore.

2. The Superintendent,
Central Prison, Coimbatore.

3. The Deputy Superintendent of Police,
Periyanaickenpalayam, Sub Division,
Thudialur Police Station,
Coimbatore.

4. The Inspector of Police,
Thudialur Police Station,
Coimbatore.

5. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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