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CrI.A.No.713 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM

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

CrI.A.No.713 of 2024

1.Yogeshwaran
2.Chinnaiyan

...Appellants/Petitioners

Vs.

1.The Deputy Superintendent of Police,
Harur,
Dharmapuri District.

2.The Inspector of Police,
Harur Police Station
Dharmapuri District
(Crime No.223 of 2024)

3.E.Sanjai

... Respondents

PRAYER: Appeal filed under Section 14A(2) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act 1989 to set aside the order dated 15.05.2024 made in CrI.M.P.No.1150 of 2024 on the file of the Vacation Sessions Judge, Dharmapuri and enlarge the appellants on bail pending investigation in Crime No.223 of 2024 on the file of the respondent Police.

For Appellants : Mr.J.Pradeep

For Respondents : Mrs. G.V.Kasthuri

Addl.Public Prosecutor, for R1 & R2

Mr.D.Arun for R3



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The Criminal Appeal has been filed as against the order of dismissal of Bail application in Crl.MP.No. 1150 of 2024 dated 15.05.2024 passed by the learned Vaction Sessions Judge, Dharmapuri.

2. Learned counsel for the appellants submitted that the appellants are innocent persons and they were falsely implicated in a case registered for the offence under Sections 3(1)(r), 3(1)(za)(D) of the Scheduled Castes and Scheduled Tribes Act in Crime No.223 of 2024 and remanded to judicial custody on 12.05.2024. He further submitted that the appellants are confined in Sub Jail-Harur for a period of more than 30 days. Hence, he prays this Court for grant of bail to the appellants.

3. On the above contention, this Court heard the learned Additional Public Prosecutor appearing for the respondents 1 & 2 and the learned counsel appearing for the 3rd respondent.

4. Considering the facts and circumstances of the case and also the period of incarceration, this Court is inclined to grant bail to the appellants.



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5. Accordingly, the Criminal Appeal is allowed and the appellants are directed to be enlarged on bail on condition that the appellants shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Dharmapuri District 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 appellants shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(d) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants



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*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.

13.06.2024

msv

Note: Issue order copy on 13.06.2024.

To

1.The Deputy Superintendent of Police,
Harur,
Dharmapuri District.

2.The Inspector of Police,
Harur Police Station
Dharmapuri District

3.The Principal Sessions Judge, Dharmapuri
4. The Vacation Sessions Judge, Dharmapuri
5. Sub Jail-Harur
6. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI, J.

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