



Crl.A.No.670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM

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

Crl.A.No.670 of 2024

1. Vijay
2. Kumar
3. Dinesh
4. Sundhar

...Appellants

Vs.

1. The Deputy Superintendent of Police,
Dharmapuri, Dharmapuri District.
2. State by,
Inspector of Police,
Kadathur Police Station,
Dharmapuri, Dharmapuri District.
(Crime No.121 of 2024)

3. Elumalai

...Respondents

Criminal Appeal filed under Section 14A(2) Scheduled Castes and Schedule Tribes Amendment Act, 2015 to set aside the order passed by the Learned Vacation Sessions Judge, Dharmapuri, Dharmapuri District in Crl.MP.No.1197 of 2024 dated 22.05.2024 and enlarge the appellants on bail concerned in Crime No.121 of 2024 on the file of Inspector of Police, Kadathur Police Station, Dharmapuri, Dharmapuri District.



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For Appellants : Mr.K.Balu

For Respondent : Mrs. G.V.Kasthuri
Addl.Public Prosecutor, for R1 & R2

J U D G M E N T

The Criminal Appeal has been filed as against the order of dismissal of Bail application in CrI.MP.No.1197 of 2024 dated 22.05.2024 passed by the Vacation Sessions Judge, Dharmapuri, Dharmapuri District

2. Learned counsel for the appellants submitted that the appellants are innocent and they were falsely implicated in a case registered for the offence under Sections 294(b), 323, 324, 506(ii) of IPC @ 294(b), 323, 324, 506(ii) of IPC and Section 3(2)(va) of SC/ST (POA) Amendment Act 2015 in Crime No.121 of 2024 and remanded to judicial custody on 14.05.2024. He further submitted that the appellants are confined in Sub Jail, Harur for more than 23 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.



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.

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 Vacation Sessions Judge, Dharmapuri/the learned Principal District & Sessions Judge, (Special Court under SC & ST Atrocities Act) Dharmapuri, 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



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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 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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To
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1. The Deputy Superintendent of Police,
Dharmapuri, Dharmapuri District.
2. State by,
Inspector of Police,
Kadathur Police Station,
Dharmapuri, Dharmapuri District.
3. The Vacation Sessions Judge, Dharmapuri/
The Principal District & Sessions Judge, (Special Court under SC &
ST Atrocities Act) Dharmapuri, Dharmapuri District.
4. The Public Prosecutor,
High Court, Madras.
5. The Sub Jail,
Harur.



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M.DHANDAPANI, J.

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