

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 04.07.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI****CrI.A No.770 of 2024**

Rahul @ Sri Ragul

...Appellant

-Vs-

1. The Deputy Superintendent of Police,
Velur Sub Division,
Jedarpalayam,
Namakkal District.

2. The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
Cr. No.48 of 2023

3. Muthusamy

... respondents

Prayer: Criminal miscellaneous petition has filed under Section 14A of SC and ST Act, 2015, to set aside the order passed by the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (PoA) Act, Namakkal in CrI.MP.No.40 of 2024 dated 14.05.2024 and enlarge the appellant on bail in Spl.SC.No.1 of 2024 on the file of the Sessions Court, Special Court for Trial Cases under SC/ST (PoA) Act, Namakkal in Cr.No.48 of 2023 on the file of the Deputy Superintendent of Police, Velur Sub Division, Namakkal District.

For petitioner : Mr.N.A.Nair Hussain

For Respondents : Mrs.G.V.Kasthuri for RR1 & 2
Additional Public Prosecutor
R3 - NRN



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The Criminal Appeal has been filed against the order passed by the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (PoA) Act, Namakkal in CrI.MP.No.40 of 2024 dated 14.05.2024 and enlarge the appellant on bail in Spl.SC.No.1 of 2024 on the file of the Sessions Court, Special Court for Trial Cases under SC/ST (PoA) Act, Namakkal in Cr.No.48 of 2023 on the file of the Deputy Superintendent of Police, Velur Sub Division, Namakkal District.

2. The case of the prosecution is that the defacto complainant who is the owner of MGR Jaggery Factory lodged a complaint stating that on 13.05.2023, unknown persons trespassed into his workers shed and set fire using kerosene. Due to which, the defacto complainant employees got injury and they were admitted in the Hospital. Based on the complaint, the respondent police arrested the accused persons and registered a case against the appellant along with another four accused and registered a case in CrI.No.48 of 2023 for offences under Section 448, 436, 307 of IPC @ 147, 148, 449, 436, 307, 302 read with 120(B) of IPC read with Section 3 of Explosive Act 1908 @ 147, 148, 449, 436, 307, 302 read with 120(B) of IPC read with Section 3 of Explosive Act 1908 and 3(2)(v), 3(2)(Va) of SC/ST (POA) Act, 1989.

3. The appellant has filed a petition before the Sessions Judge,



Special court for Trial of Cases Registered under SC/ST (POA) Act,

Namakkal seeking bail and the same was dismissed. Challenging the said judgement, the petitioner has filed the above appeal.

4. The learned counsel for the appellant submitted that the appellant is an innocent and he is no way connected with the alleged offence and he is a student, studying in college. The appellant is in prison for more than 10 months and he is ready to abide any condition imposed by this Court. Therefore, the learned counsel prays to set aside the order and allow this appeal.

5. The learned Additional Public Prosecutor submitted that apart from this case, there are four cases are pending against the appellant. Investigation has been completed and charge sheet has also been filed in this case. However, the learned counsel vehemently opposed to grant bail to the appellant.

6. This Court carefully considered the submissions made on either side.

7. Taking into consideration, the facts and circumstances of the case

and also of the fact that the appellant has already suffered incarceration



for more than ten months and the respondent police already completed the investigation and filed charge sheet, this Court is inclined to interfere with the order of the Court below by setting aside the same and grant bail to the appellant herein subject to the following conditions.

8. Accordingly, the appellant is ordered to be released on bail on executing separate 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 District and Sessions Judge for Special Court for SC/ST (POA) Act, Namakkal and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the appellant shall appear before the trial Court on each and every hearing;

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY 9. In the result, this Criminal Appeal is allowed.

04.07.2024

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Note: Issue order copy on 05.07.2024

To

1. The Sessions Court, Special Court for Trial Cases under SC/ST (PoA) Act, Namakkal
2. The Deputy Superintendent of Police, Velur Sub Division, Jedarpalayam, Namakkal District.
3. The Inspector of Police, Jedarpalayam Police Station, Namakkal District.
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent Central Prison, Salem.

M.DHANDAPANI..J

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