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Crl.A.No.1209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1209 of 2024

Karthik

... Appellant

Vs.

1.The Assistant Commissioner of Police,
Coimbatore South,
Coimbatore City Police.

2.The State represented by:-
Inspector of Police,
D3, Podanur Police Station,
Coimbatore.
(Cri.No.87/2024).

3.S.Radhika

... Respondents

PRAYER: Criminal Appeal filed under Section 14)A) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to call for the records in pursuant to order dated 03.09.2024 passed Crl.M.P.No.485 of 2024 on the file of the Special Court for Trial of Cases Under the SC/ST (POA) Act, Coimbatore and set-aside the same and enlarge the appellant on



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bail in Spl.S.C.No.23 of 2024 pending trial on the file of the Special Court
for Trial of Cases Under the SC/ST (POA) Act.

For Appellant : Mr.S.Michael
For R1 & R2 : Dr.C.E.Pratap,
Government Advocate (Crl. Side)
For R3 : Ms.J.Oviya, Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed challenging the dismissal of the bail petition in Crl.M.P.No.485 of 2024 in Special S.C.No.23 of 2024 filed by the appellant who is alleged to be involved in Crime No.87 of 2024 for offence under Sections 147, 148, 294(b), 365, 302 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2.The learned counsel for the appellant would submit that the appellant was arrested on 30.04.2024; and that since the 1st respondent Police filed the final report before the Trial Court, further the custody of the appellant would not be required for the purpose of prosecution. He would



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further submit that the appellant may be released on bail, so that, the appellant could defend himself effectively before the trial Court; and prayed for grant of bail to the appellant.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that the co-accused A1, A2 and A3 have been released on bail by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore by orders, dated 07.10.2024 and 04.11.2024.

4.The learned counsel for the 3rd respondent/defacto complainant would submit that the appellant does not deserve any indulgence and prayed for dismissal of the appeal.

5.Admittedly, the final report has been filed by the 1st respondent Police and the appellant is in custody from 30.04.2024. The co-accused A1, A2 & A3 have been released on bail by the Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore by order, dated



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07.10.2024 and 04.11.2024; and that the appellant is similarly placed.

Therefore, this Court is of the view that the appellant would be entitled to grant bail as the prosecutor was unable to point out as to how his case is different from the other accused.

6.Considering the nature of the allegations and the appellant cannot be incarcerated continuously as he has right to defend the case against him effectively before the trial Court, this Court is inclined to grant bail to the appellant subject to the following conditions.

7.Accordingly, the appellant is released on bail on 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 (POA) Act, Coimbatore.

(ii)The appellant/accused shall report before the concerned Trial Court on every Monday at 10.00 a.m, until further orders and shall appear before the Trial Court on all hearing dates without fail.



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(iii)The appellant/accused shall not commit any offences of similar nature.

(iv)The appellant/accused shall not abscond either during investigation or trial.

(v)The appellant/accused shall not tamper with evidence or witness either during investigation or trial.

(vi)on breach of any of the aforesaid conditions, the learned Judicial 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]***.

(vii)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.In view of the above, the impugned order, dated 03.09.2024 in Crl.M.P.No.485 of 2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore is set aside and the Criminal Appeal is allowed.

11.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To
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- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Coimbatore.
- 2.The Assistant Commissioner of Police,
Coimbatore South,
Coimbatore City Police.
- 3.The Inspector of Police,
D3, Podanur Police Station,
Coimbatore.
- 4.The Central Prison,
Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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