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Crl.A.No.1392 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1392 of 2024

Madhankumar

...

Appellant /Accused

Vs.

1. Deputy Superintendent of Police,
Tiruppur District.

2. The State rep.by Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.
(Cr.No.19 of 2024)

3.Veerammal

...

Respondents

Prayer: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the condition imposed in Para 3, Clause 1 and 2 of the order dated 14.08.2024 made in ECMP No.600 of 2024 before the Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur.

For Appellant : Mr.R.Prabakar



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For Respondents-1 & 2 : Dr.C.E.Pratap
Government Advocate (Crl.side)

JUDGMENT

The appellant, aggrieved by the onerous condition enforced by the Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur while granting bail under Section 187(3) (i) of BNSS Act has preferred the instant appeal.

2. The admitted facts are that the appellant was arrested on 12.05.2024 and the final report was not filed within 90 days. The appellant filed ECMP No.600 of 2024 in Crime No.19 of 2024 on the file of the Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur and the learned Judge had granted him bail, on the following conditions.

(i) The petitioner/accused is enlarged on bail on his executing a bond for a sum of Rs.25,000/- with two blood sureties with solvency for the like sum each to the satisfaction of this Court.

(ii) For such sureties, the petitioner shall submit solvency certificate / endorsement of address proof from the concerned Thasildar without fail.

(iii) The sureties shall affix their LTI and colour photographs in



the surety memo.

(iv) The petitioner/accused is directed to appear before the respondent police station daily at 10.00a.m. Until the charge sheet is filed.

3. The learned counsel appearing for the appellant would submit that the appellant is unable to produce two blood sureties, as directed by the Sessions Judge and hence has preferred the above appeal.

4. The learned Government Advocate (crl.side) per contra, submitted that since the appellant is unable to produce two blood sureties and there still is languishing in jail.

5. Though the appellant has been charged for the offences under SC/ST Act, in view of the nature of the appeal, this Court is of the view that notice to the third respondent/complainant is unnecessary.

6. In view of the onerous condition imposed by the Sessions Judge, the appellant is yet to be released on bail. The appellant is entitled for statutory bail which is an indefeasible right of the appellant. That right



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cannot be curtailed by onerous condition. Hence, condition no.(i) imposed by the Sessions Judge, extracted above, is modified as follows -

(i) The appellant/accused is enlarged on bail on his executing a bond for a sum of Rs.10,000/- with two sureties for the like sum each to the satisfaction of the Sessions Court .

The other conditions imposed by the Trial Court/Sessions Court shall remain unaltered.

7. Accordingly, this **Criminal Appeal is allowed to the extent indicated above**, setting aside the condition no.1 imposed in the order dated 14.08.2024 made in ECMP No.600 of 2024 before the Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur .

13.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
rgr

Issue order copy by 14.11.2024
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1.The Deputy Superintendent of Police,
Tiruppur District.

2. The Inspector of Police,
All Women Police Station,
Udumalpet,
Tiruppur District.

3.The Sessions Judge,
Mahalir Neethimandram (FTMC), Tiruppur.

4.The Superintendent of Police,
Central Prison,
Coimbatore.

5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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