



Crl.A.No.1393 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1393 of 2024

Balakrishnan

...

Appellant

Vs.

1.The Deputy Superintendent of Police,
Namakkal DSP Office,
Periyapatti,
Namakkal District.

2. The State Rep.by its
Inspector of Police,
Puduchatram Police Station,
Namakkal District

3.Jaya

...

Respondents

Prayer: Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 24.10.2024 made in Crl.MP No.158 of 2024 before the learned Sessions Judge/Special court for SC/ST (PoA) Act, 1989, Namakkal and to enlarge the appellant on bail in connection with Crime



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No.261 of 2024 on the file of the respondent by allowing this Criminal Appeal.

For Appellant : Mr.S.Sankar
For Respondents-1 & 2 : Dr.C.E.Pratap,
Government Advocate (Crl.side)
For R-3 : Mr.S.Sridevi,
Legal-aid counsel

JUDGMENT

This Criminal Appeal has been filed challenging the dismissal of the bail petition filed by the petitioner before the Trial Court

2. It is the case of prosecution that the defacto complainant had earlier lodged a complaint against the appellant; that the appellant alongwith other two accused had compelled the defacto complainant to withdraw the said complaint; and that when she refused to do so, the appellant is said to have abused the defacto complainant and humiliated her by referring to her caste and had also slapped her. Hence, a case was registered against the petitioner under Section 115(2) 351(2) of BNSS Act and Section 3(l)(r)



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3(1)(s), 3(2)(va) of SC/ST (PoA) Amendment Act,2015 in Crime No.261 of 2024.

3. Notice was served and the defacto complainant / third respondent was present in person and requested this court to appoint a legal-aid counsel to assist her. Accordingly, this Court appointed Ms.S.Sridevi as legal-aid counsel on behalf of the third respondent.

4. The learned counsel appearing for the third respondent would submit that the allegations constitute the offence and hence opposed the grant of bail to the petitioner.

5. The learned Government Advocate (crl.side), on instructions, would submit that the investigation is pending.

6. Heard the learned counsel for the petitioner as well as the third respondent and the learned Government Advocate (crl.side) appearing for the respondents 1 & 2.



7. The appellant is in custody from 16.10.2024. Considering the nature of allegation against the petitioner; and that further custody is not necessary for the purpose of investigation; and considering the period of incarceration, this Court is inclined to grant bail to the appellant subject to the 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 SC/ST (PoA) Act, 1989, Namakkal ;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii)the appellant shall appear before the respondent police, once in a week, until further orders.

(iv)the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.



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(v)the appellant shall not commit any offences of similar nature;

(vi)the appellant shall not abscond either during investigation or trial;

(vii)the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii)on breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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



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8. Accordingly, this Criminal Appeal is allowed setting aside the order dated 24.10.2024 made in Crl.MP No.158 of 2024 by the learned Sessions Judge/Special court for SC/ST (PoA) Act, 1989, Namakkal.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
rgr

Note : Issue order copy by 02.12.2024
Upload the order copy forthwith.



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To

1.The Deputy Superintendent of Police,
Namakkal DSP Office,
Periyapatti,
Namakkal District.

2. The State Rep.by its
Inspector of Police,
Puduchatram Police Station,
Namakkal District

3.The Sessions Judge,
Special Court for Trial of Cases
under SC & ST (POA) Act,
Namakkal.

4.The Superintendent of Police,
Central Jail.
Salem.

5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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