



Crl.A.No.1434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1434 of 2024

1.Arun

2.Yuvaraj

...

Appellants /Accused

Vs.

1.The Superintendent of Police
Office of the Superintendent of Police
Thiruvannamalai District.

2.The Deputy Superintendent of Police
Office of the Superintendent of Police
Thiruvannamalai District.

3.State rep.by
The Inspector of Police,
Jammanumarathur Police Station,
Tiruvannamalai District,

4. Girankumar

...

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 order dated 12.11.2024 passed in Crl.MP No.1700 of 2024 by the Sessions Court, Special court for SC/ST Act, Tiruvannamalai District and to



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enlarge the petitioners on bail in Crime No.156 of 2024 on the file of the respondent police, by allowing the Criminal Appeal.

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For Appellant : Mr.D.Thirumoorthy
For Respondents 1 to 3 : Dr.C.E.Pratap,
Govt. Advocate (Crl.side)
For 4th Respondent : Ms.A.Vinu Pradha
legal-aid counsel

J U D G M E N T

The appeal challenges the dismissal of the bail application filed by the appellants who are arrayed as A2 & A4.

2. The appellants were arrested on 01.11.2024 for the alleged offences under Sections 191(2), 191(3), 126(2), 296(b), 308(5), 324(4), 115(2), 118(1), 109(1), 351(3) of BNS, 2023 and Sections 3(1)(s), 3(2)(v) and 3(1)(u) of SC/ST (POA) Amendment Act,2015 in Crime No.156 of 2024.

3. The allegation against the appellants is that when the defacto complainant and the other witnesses were going in the motor cycle, the petitioners alongwith other accused, waylaid the defacto complainant, assaulted him; abused him in filthy language; humiliated him due to his



caste and also attacked him with a knife.

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4. The learned counsel for appellant would submit that the complaint is false; that the defacto complainant and his friends had purchased crackers from one Abdul Ajeez who is the tenant of the first appellant and in an inebriated condition, they refused to pay cash for the crackers purchased from him and abused the said tenant; that a complaint was filed by the mother of the first appellant in Crime No.157 of 2024 for the offence under Sections 191(2), 329(4), 3085), 296(b), 115(2), 76, 315(3) of BNS Act; that the injured in this case has already been discharged from the hospital and prayed for allowing the appeal.

5. The learned Government Advocate (crl.side) per contra, would submit that the injured has already been discharged from the hospital; that a case was filed and registered in Crime No.157 of 2024 on the complaint given by the mother of the first appellant against the defacto complainant and others.

6. Though notice has been sent to the fourth respondent/defacto complainant and his name is printed in the cause list, none entered appearance. Hence, this Court, by order dated 26.11.2024, appointed



Ms.A.Vinupradha, Advocate as legal-aid counsel to represent the fourth respondent.

7. The learned counsel appearing for the 4th respondent would oppose for grant of bail stating that the victims were waylaid and the appellants had committed robbery and therefore they do not deserve bail.

8. Considering the fact that the appellants are in custody from 01.11.2024; the fact that the injured has already been discharged from the hospital; that there is a counter case registered against the defacto complainant on the complaint of the mother of the first appellant, that further custody of the appellants are not required for the purpose of investigation, this Court is inclined to grant bail to the appellants subject to the following conditions :

(i) The appellants shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten thousand only), with two sureties



each for a like sum to the satisfaction of the learned Sessions Court, Special court for SC/ST Act, Tiruvannamalai District

(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 appellants 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.

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

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

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

(viii)on breach of any of the aforesaid conditions, the



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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 appellants 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.

9. In view of the above, the impugned order dated 12.11.2024 made in Crl.MP No.1700 of 2024 by the Sessions Court, Special court for SC/ST Act, Tiruvannamalai District, is set aside and the Criminal Appeal is allowed.

10.12.2024

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

Note : Issue order copy by 12.12.2024
Upload the order copy forthwith.

Note : The District Legal Services Authority is directed to pay the scheduled fees to Ms.A.Viinu Pradha, legal-aid counsel appointed by this Court, to assist this Court on behalf of the fourth respondent/defacto complainant.



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To

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1.The Sessions Judge,
Special court for SC/ST Act,
Tiruvannamalai District

1.The Superintendent of Police
Office of the Superintendent of Police
Thiruvannamalai District.

2.The Deputy Superintendent of Police
Office of the Superintendent of Police
Thiruvannamalai District.

3.The Inspector of Police,
Jammanumarathur Police Station,
Tiruvannamalai District,

4.The Superintendent,
Central Prison,
Vellore.

5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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