



CrI.A.No.72 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.72 of 2024

1.Gokul
2.Perumal
3.Suresh

... Appellants

Vs.

1.The Deputy Superintendent of Police
O/o. Deputy Superintendent of Police
Uthangarai, Krishnagiri District.

2.The State rep. By
Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
[Crime No.769 of 2023].

3.Murugavalli

... Respondents

Prayer: Criminal Appeal filed under Section 14A(II) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 2015 to set aside the order passed in CrI.M.P.No.4600 of 2023 and dismissed the bail plea on the file of the Principal Sessions Judge, Krishnagiri dated 12.12.2023 and



enlarge the appellants on bail pending investigation in Crime No.769 of 2023 on the file of the respondent police.

For Appellants : Mr.K.Thiruvengadam
For R1 & R2 : Mr.C.E.Pratap
Government Advocate [Crl. Side]
For R3 : Mr.A.Thirumoorthy

JUDGMENT

This Criminal Appeal has been filed to set aside the impugned order in Crl.M.P.No.4600 of 2023, dated 12.12.2023 passed by the learned Principal Sessions Judge, Krishnagiri and enlarge the appellants on bail in connection with Crime No.769 of 2023 on the file of the second respondent Police Station.

2. The case of the appellants is that they were arrested on 29.11.2023 for the offences under Sections 147, 148, 302, 323, 341, 342, 354A, 411, 427, 506(ii) of IPC and 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The deceased, in this case, had stolen idol and other articles from the village temple. The deceased having criminal record had committed theft of articles from other villages and finally had committed in his village, the



villagers enraged questioned the deceased and thereafter, the mob had attacked the deceased. The appellants hail from the same village and they are falsely implicated in the case. According to the learned counsel for the appellants, they have nothing to do with attack on the deceased. Further, only on the confession of A1, the appellants were falsely implicated in this case, the names of the appellants does not find place in the FIR or the complaint given by the defacto complainant. Apart from this appellants, all other accused have been released on bail by this Court or the learned Principal Sessions Judge, Krishnagiri. Now, the investigation is almost completed and hence, further detention of the appellants is unwarranted and seeks bail.

3. The learned counsel for the third respondent submitted that they are indulging in serious crime and made assault upon the defacto complainant and her father who is no more on account of barbaric attack and injuries inflicted on his body. The defacto complainant is a widow and she was harassed with sexual intention and humiliated and molested by the accused in public place. Further, the respondent police did not investigate the complaint seriously, instead they are facilitating the appellants as well as the



other accused to avail the benefit of mandatory bail. The respondent police have lost sight of Section 4(e) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and are conducting the investigation in a callous manner. The appellants who are arrayed as A5 to A7 are perpetrators of the commission of the offences and playing active role. The deceased in this case is 70 years old, who was beaten to death by using stick, logs and tying him to the transformer pole and thereafter, left without care. It was the defacto complainant who with great difficulty took her father to the hospital but could not be saved. Hence, strongly opposed the bail.

4. The learned Government Advocate (Crl.Side) submitted that in this case so far 14 persons were arrayed as accused, the appellants were arrayed as A5 to A7 and on the confession of A1, the names of the appellants were included in this case. He would submit that in the complaint, it is stated that pooja articles were found missing from the house of Subramani on 20.11.2023. Five days prior, the defacto complainant's father Sotta Sekar @ Sekar went to the house of A1 seeking some food and hence, doubts raised against the said Sotta Sekar @ Sekar to have stolen the articles. He was called for enquiry on 26.11.2023 and on enquiry, he had admitted about the



same and he was giving inconsistent answers, thereafter the villagers got agitated and they used some forces due to which the deceased had died. He further submitted that the investigation is in progress, brutal attack on the deceased was confirmed by the medical evidence. The Postmortem Doctor confirms the deceased died due to shock, haemorrhage and due to multiple blunt force injuries sustained by him. The said Sotta Sekar @ Sekar was assaulted by the villagers mercilessly for two days and finally he succumbed to injuries. As of now, there are no statement other than A1 confession against the appellants.

5. Considering the submissions made and on perusal of the materials, it is seen that the appellants were arrayed as A5 to A7 in this case, only on the confession of A1, the appellants are implicated in this case. It is seen that the it is a mob activity and the entire village joined together in assaulting the deceased. Other than the appellants, all other accused are in bail. The investigation is almost completed and further detention of the appellant is not necessary.

6. In view of the above, 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/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the Principal District and Sessions Judge, Krishnagiri.

(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 as and when required for interrogation;

(iv)The appellants shall appear before and sign before the Inspector of Police, Uthangarai Police Station daily at 9.00 AM until further orders;

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

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

(vii)the appellants shall not cause threat to the defacto complainant;

(viii)on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellants 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]***;

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

7.In view of the above, the impugned order in Crl.M.P.No.4600 of



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2023, dated 12.12.2023 passed by the learned Principal Sessions Judge,
Krishnagiri is set aside and the Criminal Appeal is, accordingly, allowed.

15.02.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
dhk
Note: Issue order copy on 16.02.2024
To

- 1.The Principal Sessions Court,
Krishnagiri.
- 2.The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
- 3.The Superintendent,
Central Prison
Salem.
- 4.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR, J.

dhk



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