



Crl.A.No.1528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1528 of 2024

Sankar Ganesh

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Appellant /Accused No.2

Vs.

1. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Oomangalam Police Station Range,
Cuddalore District.

2. The State represented by
The Station House officer,
Oomangalam Police Station
Cuddalore District.

3.Narayanasamy

...

Respondents / Complainant

Prayer: Criminal Appeal filed under Section 14(A)(2) of the SC/ST (Prevention of Atrocities) Act, 1989 to set aside the impugned order passed by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore in Crl.MP No.1840 of 2024 dated 14.11.2024 and consequently enlarge the petitioner on bail in Cr.No.186 of 2024 on the file of the respondent police.



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For Appellant : Mr.C.R.Gokulvisvas
For Respondents-1 & 2 : Dr.C.E.Pratap
Government Advocate(crl.side)
For R-3 : Mr.V.Ramanareddy

JUDGMENT

This appeal challenges the dismissal of the appellant's application for bail filed before the trial court.

2. The appellant was arrested and remanded to judicial custody on 19.10.2024 for the alleged offences under Section 318(4), 351(2) of BNS Act and Sec. 3(1)(r), 3(1)(s) of SC/ST (PoA) Act.

3. The allegation against the appellant is that the defacto complainant/third respondent approached A.1 for a job and A.1 sought for money to the tune of Rs.2 lakhs from the defacto complainant and also introduced the appellant as a person who got a job on the recommendation of A.1; that when the defacto complainant demanded the return of the amount paid to A.1, he is said to have abused the defacto complainant and his wife by humiliating their caste and also criminally intimidated them. The



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appellant sought for bail before the trial court and the same was dismissed on the ground that the investigation is pending and that the allegations are serious in nature.

4. The learned counsel appearing for the appellant would submit that even as per the allegations in the FIR, the amount was received by A.1; that the appellant himself is the victim of fraud played by A.1; that the alleged abuse was only against A.1; that the appellant is in custody from 19.10.2024; that future custody is not required for investigation and prayed for grant of bail.

5. The learned counsel appearing for the third respondent/defacto complainant would submit that the appellant also received money from the third respondent; that there are allegations against the appellant and therefore prayed that the appeal may be dismissed as the investigation is still pending.



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6. The learned Government Advocate (crl.side), on instructions would submit that the investigation is still pending and opposed for grant of bail to the appellant.

7. On perusal of the FIR, it is seen that the allegations have been primarily made against the first accused who is said to have demanded money on the promise of getting job to the defacto complainant; that when the defacto complainant sought for return of money, he has abused the defacto complainant and his wife by humiliating their caste. It is alleged that the first accused had introduced the appellant, as a person who had got job on the recommendation of the first accused.

8. Considering the nature of allegations against the appellant; the fact that the appellant is in incarceration from 19.10.2024 and that further custody of the appellant is not required for the purpose of investigation, this court is inclined to grant bail to the appellant.



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9. Accordingly, the appellant is ordered to be released on bail subject to the following conditions :

(i) The appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties each for a like sum to the satisfaction of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore ;

(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/accused shall appear before the trial court on all hearing dates without fail.

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

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

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

(vii)on breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been



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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]*;

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

10. In view of the above, the impugned order made in Crl.MP No.1840 of 2024 dated 14.11.2024 by the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Cuddalore is set aside and the Criminal Appeal is allowed.

13.12.2024

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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Note : Issue order copy by 17.12.2024

Upload the order copy forthwith.



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To

- 1.The Special Judge for Trial of Cases
under SC/ST (POA) Act,
Cuddalore.
2. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Oomangalam Police Station Range,
Cuddalore District.
3. The Station House officer,
Oomangalam Police Station
Cuddalore District.
- 4.The Superintendent of Police,
Central Prison, Cuddalore .
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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