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Crl.A.No.1561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1561 of 2024

Ramu Gounder @ Karuna Moorthy ... Appellant
Vs.

1.State of Tamil Nadu Represented by
Deputy Superintendent of Police,
Dharapuram.

2.State rep.by the Inspector of Police,
Kundadam Police Station,
Tiruppur. Crime No.293 of 2024.

3.Kalimuthu ... Respondents

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the SC/ST Act, 2015 against the order dated 02.12.2024 made in Crl.M.P.No.95 of 2024 on the file of the Hon'ble Special Court for Trial of cases under SC/St (PoA) Act, Tiruppur dismissed bail application filed by the appellant is sought to be challenged before this Hon'ble Court.

For Appellant : Mr. S.Silambuselvan

For Respondent : Dr.C.E.Pratap
Nos.1 & 2 Government Advocate (Crl. Side)

For Respondent : Ms. S.Sridevi
No.3 Legal Aid Counsel



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JUDGMENT

The criminal appeal is filed challenging the dismissal of the appellant's bail application in Crl.M.P.No.95 of 2024 dated 02.12.2024 filed before the Special Court for Trial of cases under SC/St (PoA) Act, Tiruppur.

2. The appellant was arrested on 14.11.2024 in crime No.293 of 2024 for the offences under Sections 296(b), 133 of BNS and 3(1)(r), 3(1)(s) of the SC/ST (PoA) Act 2015.

3.The case of the prosecution is that due to previous enmity, the appellant had abused the second respondent/defacto complainant in filthy language and assaulted with chappels.

4.The appellant filed a bail petition which was dismissed by the trial Court on the ground that the investigation is pending and that if the appellant is released on bail, it would cause prejudice to the investigation.



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5.Mr.S.Silambuselvan, the learned counsel for the appellant would submit that the appellant was arrested in Crime No.293 of 2024 and he is in custody from 14.11.2024 and further submits that considering the nature of the allegation and the period of incarceration, further detention of the appellant is not required for the purpose of investigation and prayed for bail.

6. Though the notice was served on the *de-facto* complainant, none had entered appearance. Therefore, this Court appointed Ms.S.Sridevi as legal aid counsel for the *de-facto* complainant/third respondent.

7.Ms.S.Sridevi, the legal Aid Counsel appearing for the third respondent would strongly oppose to grant bail to the appellant.

8.Dr.C.E.Pratap, the learned Government Advocate (Crl.Side) appearing for the respondent Nos.1 & 2 would submit that the respondents



have completed the investigation and filed final report Spl.S.C.No.89 of 1994 before the Special Court for Trial of cases under SC/St (PoA) Act, Tiruppur.

9.Considering the nature of the allegations and the period of incarceration since remand, this Court is of the view that further detention of the appellant is not required for the purpose of investigation, and hence the appellant is entitled to bail.

10.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.10,000/- (Rupees Ten thousand only), with two sureties each for a like sum to the satisfaction of the Special Court for Trial of cases under SC/St (PoA) Act, Tiruppur.

(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;



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(iii)the appellant shall appear before the trial Court on all hearing dates without fail.

(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 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



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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.

11. Accordingly, this **Criminal Appeal is allowed**, setting aside the impugned order passed by the learned Sessions Judge, Special Court for Trial of cases under SC/St (PoA) Act, Tiruppur, in Crl.M.P.No.95 of 2024 dated 02.12.2024.

20.12.2024

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

Note : Issue order copy by 20.12.2024
Upload the order copy forthwith.

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



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Copy to:

- 1.The Sessions Judge,
Special Court for Trial of cases under
SC/St (PoA) Act, Tiruppur.
- 2.State of Tamil Nadu Represented by
Deputy Superintendent of Police,
Dharapuram.
- 3.State rep.by the Inspector of Police,
Kundadam Police Station,
Tiruppur. Crime No.293 of 2024.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

sms

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