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Crl.A.No.53 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.A.No.53 of 2025

Sathish Kumar

...

Appellant

Vs

1. State

rep. By The Deputy Superintendent of Police
Namakkal Sub-Division.

2. State

rep. By The Inspector of Police
Namakkal Police Station
Namakkal District.

3. T.P.Veerasamy

Village Administrative Officer
Mudalaipatti Village
(Incharge Marurpatti Village)
Namakkal Taluk
Namakkal District 637 003.

...

Respondents

PRAYER: Criminal Appeal filed under Section 14 A (A) of the SC ST Amendment Act, 2015 to set aside the order passed in Crl.M.P.No.202 of 2024 dated 31/12/2024 by the learned Special Court for trial of Cases registered under SC/ST (POA) Act at Namakkal and enlarge the appellant on



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bail in connection with the case in Crime No.528 of 2024 on the file of the second respondent.

For appellant ... Mr.M.Marimuthu
For Respondents ... Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Appeal challenges the dismissal of the appellant's bail application filed before the trial Court.

2. The allegation against the appellant is that the appellant along with other accused caused the death of the deceased and took away cash of Rs.40,000/-. Initially, a case was registered under Sections 194 (3) (i) of BNSS and subsequently, it was altered to Sections 140 (1), 309 (4), 311, 103 (1) of BNS r/w. Section 3 (2) (V) of SC/ST (POA) Amendment Act and the appellant was arrested on 29/10/2024. The appellant sought for bail before the trial Court and the same was dismissed on the ground that investigation is yet to be completed and release of the appellant may delay the investigation process.

3. The learned counsel appearing for the appellant submitted that the



case is based on circumstantial evidence; that the appellant has been falsely implicated and that the second respondent has completed the investigation and considering the period of incarceration, appellant may be released on bail.

4. Though the defacto complainant was served, none entered appearance. Hence, this Court appointed Mr.Kathiravan, as Legal Aid counsel to represent the defacto complainant, on 22/1/2025.

5. Mr.Kathiravan, learned counsel submitted that the appellant is guilty of a murder for gain and if released on bail, he will tamper with the witnesses and hence prayed for dismissal of the appeal.

6. The learned Government Advocate on instructions submitted that final report has been filed and is yet to be taken on file. He further added that there is no previous case against the appellant.

7. The appellant is in custody from 29/10/2024. The final report has also been filed by the respondents. The case is based on circumstantial evidence. The respondents are unable to state as to how the further custody of the appellant is required for the purpose of investigation as the final report



has already been filed. Hence, considering the facts and circumstances of the case and the period of incarceration, this Court is inclined to release the appellant on bail, on 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 Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal

(ii)The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of

their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) the appellant/accused 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-



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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 Trial Judge 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 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.

10. In view of the above, the impugned order dated 28.11.2024 made



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in Crl.M.P No.93 of 2024 in Spl.S.C.No.66 of 2024 on the file of Special Court for Exclusive trial of cases under SC/ST Act, Tiruppur District is set aside and the Criminal Appeal is allowed.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

Note : Issue order copy by 28/1/2025

Upload the order copy forthwith.

Note : The High Court Legal Services Committee is directed to pay the scheduled fees to Mr.Kathiravan, Legal-aid counsel appointed by this Court, to assist this Court on behalf of the third respondent/defacto complainant.

To

1. The Deputy Superintendent of Police
Namakkal Sub-Division.
2. The Inspector of Police
Namakkal Police Station
Namakkal District.
3. T.P.Veerasamy
Village Administrative Officer
Mudalaipatti Village
(Incharge Marurpatti Village)
Namakkal Taluk
Namakkal District 637 003.
4. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN,J

Today, this matter has come up under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioner that a typographical mistake has been occurred in para 10 of the order dated 27/1/2025 in Crl.A.No.53 of 2025.

3. Accordingly, para 10 of the order dated 27/1/2025 should be read as under:-

10. In view of the above, the impugned order dated 31/12/2024 made in Crl.M.P No.202 of 2024 by the learned Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal is set aside and the Criminal Appeal is allowed.

27/1/2025

mvs.

Index: Yes/No



Crl.A.No.53 of 2025

Neutral Citation: Yes/No

Note : Issue order copy by 29/1/2025

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SUNDER MOHAN,J

mvs.

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