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Crl.A. No. 39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CRL.A. No. 39 of 2025

Muthu

..Appellant

Vs.

1. The Deputy Superintendent of Police,
Palacode, Dharmapuri District.

2. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.

3. Nagavalli

..Respondents

Prayer: Criminal Appeal under Section 14A of of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside the order dated 19.12.2024 passed in Crl.M.P. No. 2643 of 2024 on the file of the Principal District Judge, Dharmapuri and enlarge the appellant on bail pending investigation in Crime No. 137 of 2024 on the file of the respondent Police.



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For Appellant :: Mr.J. Pradeep
For Respondents :: Dr.C.E. Pratap
Govt. Advocate (Crl.Side)
for R1 & R2
Ms.J. Swathi
Legal Aid Counsel for R3
O R D E R

The criminal appeal challenges the order dated 19.12.2024 passed by the Principal District Judge, Dharmapuri, dismissing the appellant's application for bail in Crl.M.P. No. 2643 of 2024.

2. The allegation against the appellant is that on 30.11.2024, at about 4.30p.m., when the de facto complainant and her brother were proceeding towards their house, near a mango grove, the accused came, pulled the hand of the de facto complainant and misbehaved with her. When the de facto complainant resisted, the accused abused her in filthy language and assaulted her with a stone on her head, besides attacking her with a wooden log. A case in Crime No. 137 of 2024 was registered for offences under Sections 296(b), 351(3), 118 of BNS r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 and Sections 3(1)(r) and 3(1)(w)(i) of The Scheduled Castes and Scheduled Tribes (Prevention of



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Atrocities) (Amendment) Act, 2015. The appellant was arrested on 30.11.2024 and was remanded on 01.12.2024. The appellant sought bail before the learned Principal District Judge, Dharmapuri, which was dismissed on the ground that investigation was pending and if the appellant is enlarged on bail, then he may tamper with the witnesses.

3. Learned counsel for the appellant would submit that the appellant is in custody from 01.12.2024; that his further detention is not required for the purpose of investigation and that the respondent has completed the investigation and filed the final report.

4. Though the de facto complainant was served, none entered appearance and therefore, this Court appointed Ms.Swathi, Legal Aid Counsel to appear on behalf of the de facto complainant/3rd respondent.

5. Ms. Swathi, learned counsel would submit that the appellant is involved in a serious offence and therefore, if he is enlarged on bail, he is likely to threaten the witnesses. Hence, she would submit that the appeal may be dismissed.

6. Learned Government Advocate (Crl.Side), on instructions, would submit that final report has been filed against the appellant for the



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aforesaid offences.

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In the light of the submission made by the learned counsel for respective parties, since investigation has been completed, this Court is of the view that further detention of the appellant is not required for the purpose of investigation. The appellant has to effectively defend himself before the Trial Court. Considering the period of incarceration, this Court is inclined to enlarge the appellant on bail subject to the following conditions:

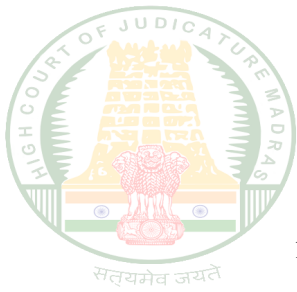
(i)the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for a like sum to the satisfaction of learned Principal District Judge, Dharmapuri;

(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 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 appellant shall not commit any offences of similar



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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 Magistrate/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 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.

8. Accordingly, this **Criminal Appeal is allowed** setting aside the impugned order dated 19.12.2024 passed by the learned Principal District Judge, Dharmapuri in Cr.M.P. No. 2643 of 2024 .

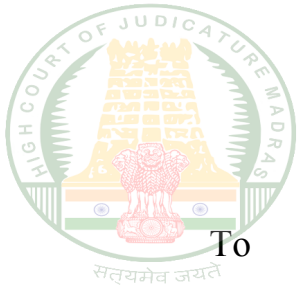
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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

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1. The Principal District Court,
Dharmapuri.
2. The Deputy Superintendent of Police,
Palacode, Dharmapuri District.
3. The Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
4. The Superintendent,
Sub Jail, Dharmapuri.
5. The Public Prosecutor,
High Court, Madras.

*(Note : High Court Legal Services Committee
may pay the scheduled fee to Ms. J. Swathi,
Advocate.)*

SUNDER MOHAN,J.

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