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Crl.A. No. 76 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. 76 of 2025

Sampath

..Appellant

Vs.

1. The State rep. by
The Deputy Superintendent of Police,
Ariyalur District, Ariyalur.

2. The Inspector of Police,
Station House Officer,
Sendhurai Police Station,
Ariyalur.
(Crime No. 334/2024)

3. Manivannan

..Respondents

Prayer: Criminal Appeal filed under Section 14A(ii) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to call for the records pertaining to the order dated 20.12.2024 dismissing the bail petition in Crl.M.P. No. 4780 of 2024 by the learned Principal Sessions Judge, Ariyalur.

For Appellant :: Mr.K. Rahul



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For Respondent :: Dr.C.E. Pratap
Govt. Advocate (Crl.Side) for
R1 & R2
Mr.G.M. Gokul Ram for
M/s. Ram Gokul Advocates and
Associates for R3

O R D E R

The criminal appeal is filed as against the dismissal of the appellant's bail application in Crl.M.P. No. 4780 of 2024 by order dated 20.12.2024 by the learned Principal Sessions Judge, Ariyalur.

2. It is the case of the prosecution that on 10.12.2024, while the de facto complainant was returning home in a two-wheeler, A1 along with the appellant and one Sakthivel waylaid the de facto complainant, attacked him with iron rod, abused him in filthy language and caused injuries on his leg owing to previous enmity. The appellant was arrested on 11.12.2024 and the bail petition filed by the appellant before the Trial Court was dismissed on the ground that the respondent Police are taking steps to detain the appellant under the Goondas Act, 1982 and therefore, bail cannot be granted.



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3. Learned counsel for the appellant would submit that the appellant has not been detained under Goondas Act. He would further submit that considering that there are no overt acts attributed to the appellant and the period of incarceration undergone by the appellant, the appellant is entitled to be released on bail

4. Learned counsel for the 3rd respondent/de facto complainant however would submit that taking into consideration that the victim suffered grievous injuries in the leg; the seriousness of the offence and that the investigation is pending, the appeal may be dismissed.

5. Learned Government Advocate (Crl.Side), on instructions, would submit that investigation is pending and further submitted that the injured had been discharged from the hospital; that A3 has been enlarged on bail vide order dated 27.01.2025 in Crl. M.P. NO. 158/2025 and that the respondent Police are not intending to take steps to detain the appellant under Act 14 of 1982.

6. Heard the submissions of the learned counsel for the respective parties.



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7. Considering the fact that the victim has been discharged from the hospital and that the appellant is in custody from 11.12.2024 and that further custody is not required for the investigation, 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 Sessions Judge, Ariyalur;

(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;

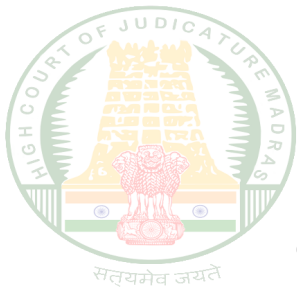
(iii)the appellant shall appear before the respondent police, once in a week, until further orders;

(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 nature;

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

(vii)the appellant shall not tamper with evidence or witness



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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 20.12.2024 passed by the learned Principal Sessions Judge, Ariyalur in Cr.M.P. No. 4780 of 2024 .

28.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

nv

SUNDER MOHAN,J.

nv

To

1. The Principal Sessions Court,
Ariyalur.
2. The Deputy Superintendent of Police,

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Ariyalur District, Ariyalur.

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3. The Inspector of Police,
Station House Officer,
Sendhurai Police Station,
Ariyalur.
4. The Superintendent of Police,
Sub Jail, Jayamondam.
5. The Public Prosecutor,
High Court, Madras.

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