



CrI.A.No.1253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.A.No.1253 of 2024

Iyyappan

... Appellant/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Katpadi, Vellore District.

2.State rep by
The Inspector of Police,
Thiruvalam Police Station,
Vellore District.
Crime No.166/2019,

3.Pitchandi

...Respondents

Prayer: Criminal Appeal filed under Section 14(A) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order passed by the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District in CrI.M.P.No.920 of 2024 dated 03.09.2024 and enlarge the petitioner on bail in pending trial in Spl.S.C.No.95/2020 on the file of the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District.



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For Appellant : Mr.G.Nirmal Krishnan
For Respondents 1 & 2 : Dr.C.E.Pratap,
Govt. Advocate (CrI.side)
For 3rd Respondent : Ms.Vinu Pradha
Legal Aid Counsel

JUDGMENT

The appellant/petitioner/accused, aggrieved by the dismissal of his bail application in Cr.M.P.No.920 of 2024 dated 03.09.2024 by the learned Sessions Judge (FAC), the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District, has preferred the instant revision.

2. The petitioner was originally arrested and released on bail in Crime No.166 of 2019 for the alleged offences under Sections 294(b), 341, 392, 302, and 506(ii) of the IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PoA) Amendment Act 2015. Thereafter, for his non-appearance, a non-bailable warrant was issued by the trial Court on 16.05.2024 and the same was executed on 14.06.2024. Thereafter, the appellant was remanded to judicial custody and he has been in custody since then.



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3. The appellant/petitioner/accused sought for bail before the trial Court which was dismissed on the ground that if the appellant/petitioner/accused is released on bail, the trial will be delayed further.

4. Mr.G.Nirmal Krishnan, the learned counsel for the appellant/petitioner/accused would submit that the main witnesses have been examined and since he has to effectively defend himself in the trial, he may be released on bail, considering the period of incarceration.

5. Though notice was served on the *de-facto* complainant/third respondent, since none had entered appearance, this Court had appointed Ms.Vinu Pradha, as legal aid counsel to appear on behalf of the third respondent/*de-facto* complainant.

6. Ms.Vinu Pradha, the learned counsel for the third respondent/*de-facto* complainant, would submit that if the appellant is released on bail, he



would threaten the witnesses and also would abscond and therefore, she opposed the grant of bail.

7. Dr.C.E.Pratap, the learned Government Advocate (Crl.Side) for the respondents 1 and 2, on instructions, would submit that the appellant/petitioner/accused has four previous cases, which were committed in the year 2019 and he is on bail in all those cases.

8. Considering the fact that the appellant/petitioner/accused is in custody from 14.06.2024 and he was earlier released on bail, pending investigation; the fact that the main witnesses had already been examined by the prosecution; and that the appellant has to defend himself effectively, this Court is inclined to grant bail to the appellant 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 learned Sessions Judge (FAC), the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District;



(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 trial Court on all working days at 10.30 a.m., 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 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



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registered under Section 229A IPC.

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9. Accordingly, this **Criminal Appeal is allowed** setting aside the impugned order passed by the learned Sessions Judge (FAC), the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District, in Crl.M.P.No.920 of 2024, dated 03.09.2024.

20.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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Note : Issue order copy by 21.01.2025
Upload the order copy forthwith.

Note:The High Court Legal Services Committee is directed to pay the scheduled fees to Ms.Vinu Pradha, legal-aid counsel appointed by this Court, to assist this Court on behalf of the third respondent/*de-facto* complainant.



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To

- 1.The Sessions Judge (FAC),
The Special Court of Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act,
Vellore,
Vellore District
- 2.The Superintendent of Police,
Katpadi,
Vellore District.
- 3.The Inspector of Police,
Thiruvalem Police Station,
Vellore District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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