



Crl.A.No.1552 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1552 of 2024

1.Suresh

2.Veerassamy

3.Sathyamoorthy

...

Appellants /Accused

Vs.

1.State represented by its
Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam,
Ranipet District.

2.Karthik

...

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 dated 20.11.2024 in Crl.MP No.1227 of 2024 on the file of the Special court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District and enlarge the appellant on bail in Crime No.360 of 2024 on the file of the 1st respondent police.



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For Appellant : Mr.G.Mohana Krishnan
for Mr.K.G.Senthilkumar

For 1st Respondent : Dr.C.E.Pratap,
Govt. Advocate (Crl.side)

For 2nd Respondent : Mr.B.M.Subash
for Mr.B.Mohan

J U D G M E N T

The appeal challenges the dismissal of the appellants' bail application filed before the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore.

2. It is the case of the prosecution that on 05.11.2024 at about 10.30 p.m., while the defacto complainant was travelling alongwith his family members in a car bearing Regn.No.TN-11A 2094, the appellants drove their car in the opposite direction in a rash and negligent manner and caused damage to the defacto complainant's car; that a wordy quarrel ensued pursuant to the said incident and thereafter the appellants are said to have attacked the defacto complainant's father, who died in the hospital on the same day.



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3.The appellants were arrested on 09.11.2024 and remanded to custody on the same day. They filed bail application before the trial court and the same was dismissed on the ground that their release would lead to law and order problem in the locality and that they would hamper the investigation and threaten the witnesses, if they are released on bail.

4.Mr.G.Mohana Krishnan, learned counsel appearing for the appellants would submit that post-mortem certificate of the victim would suggest that the victim died due to heart attack; that the allegations in the first FIR would reveal that there was a scuffle and that the appellants cannot be treated as aggressors; that the appellants are now in custody from 09.11.2024; and that their further custody is not required for the purpose of investigation and prayed for bail.

5.The learned counsel for the defacto complainant, per contra submitted that the appellants have humiliated the defacto complainant mainly due to their caste and if they are released on bail, there is every



likelyhood of commotion in the locality; that the appellants are likely to threaten the witnesses and prayed for dismissal of the appeal.

6. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that there is likely to be a problem in the village because of the caste dispute and hence sought for dismissal of the appeal. The learned Government Advocate (Crl.side) further submitted that the investigation is almost completed.

7. Considering the fact that the investigation has almost been completed; that the appellants are in custody from 09.11.2024 and their further custody is not required for the purpose of investigation, this court is inclined to grant bail to the appellants. However, considering the apprehension expressed by the defacto complainant and the learned Government Advocate (crl.side) that the release of the appellants would cause commotion in the locality, this court is of the view that the appellants can be directed to stay at Kancheepuram and report before the Inspector of Police, Kancheepuram Town Police Station, Kancheepuram at 10.30 a.m.



every day, until further orders. It is needless to say that if the appellants threaten the witnesses, it is open to the defacto complainant / witnesses to take appropriate action.

8. Accordingly, the appellants are ordered to be released on bail subject to the following conditions:

(i) The appellants shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Vellore ;

(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 appellants shall stay at Kancheepuram and report before the Inspector of Police, Kancheepuram Town Police Station, Kancheepuram at 10.30 a.m. every day, 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 appellants shall not commit any offences of similar nature;



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

(vii)the appellants shall not tamper with evidence or witness either during investigation or trial;

(viii) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants 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.

9. In view of the above, the impugned order dated 20.11.2024 made in Crl.MP No.1227 of 2024 by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Vellore is set aside and the Criminal Appeal is allowed.

02.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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Note : Issue order copy by 03.01.2025
Upload the order copy forthwith.



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To

1.The Sessions Judge,
Special court for SC/ST Act,
Vellore District

2.The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Ranipet District.

3.The Superintendent,
Central Prison,
Vellore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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