



Crl.A.No.1625 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1625 of 2024

Sakthivel

...

Appellant /2nd Accused

Vs.

1.The State of Tamilnadu represented by
The Assistant Commissioner of Police,
Annuparpalayam Range,
Thirumuruganpoondi Police Station,
Tiruppur District.

2.The State of Tamilnadu represented by
The Inspector of Police,
Thirumuruganpoondi Police Station,
Tiruppur District.

...

Respondent 1 & 2 / Complainant

3.Deenadhayalan

...

3rd Respondent / Defacto complainant

Prayer: Criminal Appeal filed under Section 14(A) of the SC/ST (Prevention of Atrocities) Act, 1989 to set aside the dismissal order dated 28.11.2024 made in Cr.MP No.93 of 2024 in Spl.S.C.No.66 of 2024 on the file of the learned Special Court for trial of cases under SC/ST (PoA) Act, Tiruppur and enlarge the petitioner on bail.



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For Appellant : Mr.A.Saranraj
for Mr.A.Saravanan
For Respondents 1 & 2 : Dr.C.E.Pratap
Govt. Advocate (crl.side)
For R-3 : Mr.S.Suganthan

JUDGMENT

This appeal challenges the dismissal of the appellant's application for bail filed before the trial Court.

2. The appellant was arrested and remanded to judicial custody on 16.03.2024 for the alleged offences under Section 294(b), 302 IPC and (2)(va) of SC/ST (PoA) Act in Crime No.5 of 2024, on the allegation that the appellant alongwith two others had assaulted the defacto complainant's father with helmet and hands, as a result of which the defacto complainant's father sustained injuries and thereafter succumbed to injuries.

3. The appellant filed application for bail and the same was dismissed by the trial court on the ground that the appellant has seven previous cases and that the appellant is likely to threaten the defacto complainant and the witnesses, if he is released on bail.



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4. The learned counsel appearing for the appellant would submit that the order of detention passed under TN ACT 14 of 1982 against the appellant has been revoked by the Advisory Board ; that the co-accused – A.1 was released on bail by the trial court in Crl.MP No.105 of 2024 on 24.12.2024, though the prosecution had alleged that the co-accused had eight previous cases and prayed for bail.

5. The learned Government Advocate (crl.side), on instructions would submit that A.1 was released on bail by the trial court; that the appellant has seven previous cases and hence objected for grant of bail to the appellant.

6. The learned counsel for the third respondent opposed the grant of bail as the appellant has committed a grave offence.

7. The detention order passed against the appellant was revoked by the Advisory Board. Though there are eight previous cases as against the co-accused, the trial court had released the co-accused / A.1 on bail,



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considering the period of incarceration, by the order in Crl.MP No.105 of 2024 dated 24.12.2024.

8. Admittedly, the appellant is in custody from 16.03.2024. The co-accused who is similarly placed has been released on bail. The appellant is entitled to bail on parity. Hence, this court is inclined to grant bail to the appellant.

9. Accordingly, the appellant is ordered to be released on bail subject to the following conditions :

(i) The appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only), with two sureties each for a like sum to the satisfaction of the learned Special Court for trial of cases under SC/ST (PoA) Act, Tiruppur;

(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;



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(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-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]*;



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(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 made dated 28.11.2024 made 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.

21.01.2025

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

rgr

Note : Issue order copy by 22.01.2025

Upload the order copy forthwith.



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To

- 1.The Special Court for trial of cases
under SC/ST (PoA) Act, Tiruppur
2. The Assistant Commissioner of Police,
Annuparpalayam Range,
Thirumuruganpoondi Police Station,
Tiruppur District.
- 3.The Inspector of Police,
Thirumuruganpoondi Police Station,
Tiruppur District.
- 4.The Superintendent of Police,
Central Prison, Coimbatore
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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