



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M. BASHEER AHAMED

Cr.A(MD)No.215 of 2017

WEB COPY

Karvendan

: Appellant

Vs.

The State by

The Inspector of Police,
Sivgangai Town Police Station,
Sivagangai.

(Crime No.5 of 2017)

: Respondent

PRAYER: Criminal Appeal is filed under Section 14A(2) of SC / ST (POA) Act, 1989 as amended by Act 1 of 2016 against the order dated 17.06.2017 made in CrI.M.P.No.1467 of 2017 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, dismissed the bail application of the appellant and to set aside the same.

For appellant

: Mr.A. Mohan

For respondent

: Mr. A. Ramar

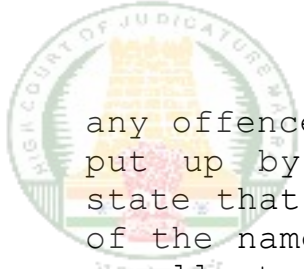
Additional Public Prosecutor.

JUDGMENT

This Criminal Appeal is filed against the order dated 17.06.2017, made in CrI.M.P.No.1467 of 2017 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, dismissed the bail application of the appellant and to set aside the same.

2. The case of the prosecution is that due to election motive between A1 and the deceased Saravanaraj, on date of occurrence i.e on 04.01.2017, when the deceased and de facto complainant have gone to the school to drop their children, the deceased was attacked by the name accused persons with Aruval and he died while taken to hospital. The specific over tact against the appellant is that the appellant was present at the time of occurrence and he has also preferred to attack the deceased with weapons, if he escaped from the incident. On complaint, a case has been registered against the appellant for the offences, punishable under Sections 147, 148, 341, 294(b), 302 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act r/w. Section 3(1)(r)(s) and 3(2)(Va) of the SC/ST (POA) Act in Crime No. 5 of 2017 on the file of the respondent Police.

<https://hcservices.ecourts.gov.in/hcservices/>
The learned counsel appearing for the appellant states that the appellant is an innocent person and he has not committed



any offence as alleged by the occurrence and a false case has been put up by the respondent herein against him. He would further state that the name of the appellant is not found in FIR and none of the named co-accused were given any confession to implicate the appellant herein. He would further contend that some of the accused were released on statutory bail and the appellant herein was arrested and remanded to judicial custody on 07.05.2017.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions would submit that there are totally 11 named accused and 3 un-named accused in this case and the petitioner herein is arrayed as A13. He would further state that A1, A3 and A4 were detained under Goondas Act and thereafter, detention against A3 and A4 was revoked. Further, co-accused viz., A2, A5, A10 and A11 were arrested and released on bail by this Court and A14 is still absconding. Except A14 all the accused in this case were arrested. He would further submit that the petitioner's name is not found in the FIR and as per the confession of A2, the name of the petitioner herein is implicated in this case and the Car, Aruval, Sword were recovered from the Car and the investigation is still pending.

5. Considering the facts and circumstances of the case and also the alleged over-tact against the appellant in the occurrence and release of co-accused by this Court and also considering the period of incarceration, this Court is inclined to allow the appeal and grant bail to the appellant.

6. Accordingly the Criminal appeal is allowed and the order dated 17.06.2017 made in CrI.M.P.No.1467 of 2017 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai is set aside and the appellant is ordered to be enlarged 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 the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai,

(i) the appellant shall appear before the respondent Police daily at 10.30 am until further orders.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under SC/ST(POA) Act,
Sivagangai.

WEB COPY

2.The Inspector of Police,
Sivganga Police Station,
Sivagangai District.

+1cc to Mr.A.Mohan, Advocate,SR.26495

Cr.A(MD)No.215 of 2017
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