

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.02.2018
CORAM
THE HONOURABLE MR. JUSTICE R. SURESH KUMAR
Crl.A.No.110 of 2018

Rathinavelu

... Appellant

Vs.

State rep.by its
Station House Officer,
Thirubhuvanai Police Station,
(on the file of Superintendent of Police
CID, Puducherry)
(Cr.No.40/17)

... Respondent

Prayer: Criminal Appeal is filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention Of Atrocities) Amendment Act, 2015, to set aside the order passed by the learned II Additional Sessions Judge/Special Judge (under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, in Crl.M.P.No.17 of 2018 in S.C.No.33 of 2017 dated 30.01.2018 and enlarge the appellant/A3 on bail in Crime No.40 of 2017.

For Appellant : Mr.R.Karthikeyan

For Respondent : Mr.D.Bharatha Chakravarthi
Public Prosecutor (Puducherry)

JUDGMENT

This appeal has been preferred against the order passed by the learned II Additional Sessions Judge/Special Judge (under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, in Crl.M.P.No.17 of 2018 in S.C.No.33 of 2017 by order dated 30.01.2018.

2.The allegations against the appellant are for the offences punishable under Sections 148, 302 read with 149 and 109 of IPC and Section 3 of the Explosive Substances Act, 1908, and 143, 120B, 109, 449, 427 and 302 read with 149 of IPC and Sections 3, 4, 5 and 6 of Explosive Substances Act, 1908, and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

3.The appellant is A3 in this case. He was arrested and remanded to judicial custody on 05.05.2017.

4.According to the prosecution, the appellant is also one of the conspirators, who along with A1 conspired to eliminate the victim and accordingly, the victim was eliminated.

However, the learned counsel appearing for the appellant would state that like A1 and A8, he had also no connection whatsoever with the death of the victim in this case. The appellant herein has no direct contact or connection or involvement with regard to the alleged offences.

5. In this regard, the learned counsel appearing for the appellant also relied upon the order of this Court, where this Court has already considered, in CrI.A.Nos.72 and 81 of 2018, the bail application in respect of A1 and A8 and after hearing both sides, I have passed an order for releasing A1 and A8, on bail.

6. However, the learned Public Prosecutor (Puducherry) appearing for the respondent/State, by relying upon the counter affidavit filed by the respondent would submit that, the appellant has already involved in 6 cases and therefore, if he is let off on bail, it will unnecessarily create law and order problem in that area.

7. However, the learned counsel appearing for the appellant replied to the same that, out of 6 cases, in 3 cases, he has been acquitted and insofar as the other 3 cases are concerned, i.e., in Crime No.77 of 2002, Crime No.66 of 2007 and Crime No.86 of 2009, the major offence is under Section 506(ii) of IPC and all other offences are very minor in nature and those cases had been purposely foisted against the appellant.

8. I have considered the rival submissions made by both sides and perused the materials placed before this Court.

9. Insofar as the appellant is concerned, it is the case of the appellant that he has only been shown as conspirer and he had no direct involvement in the alleged offence.

10. When such kind of conspiracy had been alleged against A1, that was considered in the earlier order of this Court dated 12.02.2018 and ultimately, this Court has granted bail to A1 and A8 and as this appellant/A3 is also similarly placed, this Court is inclined to entertain this appeal and pass the following orders:

(a) The appellant shall be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties, out of which, one must be a Government surety, each for a like sum to the satisfaction of the learned II Additional Sessions Judge/Special Judge (under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Puducherry, within a period of two weeks from the date of receipt of a copy of this order.

(b)The appellant on releasing on bail shall stay at Karaikal and report before the Karaikal Town Police Station, daily at 11.00 a.m., until further orders."

Accordingly, this Criminal Appeal is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps
To

1.The II Additional Sessions Judge
/Special Judge (under Scheduled Caste
and Scheduled Tribe (Prevention of
Atrocities) Act,
Puducherry.

2.The Superintendent of Police,
CID,
Puducherry.

3.The Station House Officer,
Thirubhuvanai Police Station,
Puducherry.

4.The Inspector of Police,
Karaikal Town Police Station,
Puducherry.

5.The Public Prosecutor
Puducherry, High Court, Madras

6.The Section Officer,
Criminal Section,
High Court, Madras

+lcc to Mr.R.Karthikeyan, Advocate Sr.No.13959

+lcc to Government Pleader Sr.No.14193

sm:23.2.2018

Cr1.A.No.110 of 2018