

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.664 of 2018

Punitha

.. Appellant

Vs.

State rep. by

The Inspector of Police

Kanchee Taluk Police Station

Kancheepuram District

Crime No.625/2018

.. Respondent

PRAYER:Criminal Appeal has been filed under Section 14A (2) of Scheduled Cast and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order passed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu in Crl.M.P.No.4075 of 2018 dated 27.09.2018 and enlarge the appellant on bail concerned in Crime No.625 of 2018 on the file of the Inspector of Police, Kanchee Taluk Police Station, Kancheepuram District.

For Appellant : Mr.C.Punniakoti

For Respondent : Ms.S.Thankira

Government Advocate (Crl.Side)

J U D G M E N T

The appellant has been implicated in this case under Sections 120(B), 364, 302 IPC r/w Section 3(2) (va) of Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Ordinance Amendment Act, 2015.

2.The appellant has come before this Court challenging the order passed by the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu on 27.09.2018 made in Crl.M.P.No.4075 of 2018, wherein, the Trial Court has dismissed the bail application of the appellant.

3.The case of the prosecution is that the appellant was implicated for the offence under section 302 IPC in Crime No.625 of 2018. The deceased was working in a private company and the appellant was also working in a private company near Kancheepuram. On 21.08.2018, the brother of the deceased was

trying to contact his brother but he could not contact him. The complainant was searching of his brother through his relatives and his wife but he could not trace his brother. Later, the complainant came to know that a body was found with stabbed wound by bottle on the neck and he could recognise that the deceased was his brother. Accordingly, a complaint has been lodged before the respondent police.

4.Initially, the case was registered under Sections 120(B), 364, 302 IPC r/w Section 3(2) (va) of Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Ordinance Amendment Act, 2015. During the course of investigation, the petitioner / appellant was arrested on the basis of the confession statement given by the appellant.

5.The appellant had an illegal intimacy with the 2nd accused. In order to do away with the life of the husband of the appellant, they conspired together and committed the murder of the deceased. The 2nd accused in his confession statement revealed that he had an illegal intimacy with the appellant, accordingly, they conspired together and committed the murder of the deceased by stabbing him with a beer bottle on his neck and forehead, thereby, the deceased lost his life on the spot. Accordingly, the offence was altered to 302 IPC. The bail application filed before the learned Principal Sessions Judge or Kancheepuram District at Chengalpattur in CrI.M.P.No.4075 of 2018 dated 27.09.2018 in Crime No.625 of 2018 was dismissed by the learned Principal Sessions Judge, against which, the present appeal has been preferred before this Court.

6.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is in preliminary stage and if the appellant is enlarged on bail, it will definitely affect the progress of the investigation.

7.Considering the facts and circumstances, if the appellant is enlarged on bail, it will protract the case proceedings. Hence, this Court is not inclined to grant bail to the appellant.

8.Accordingly, this appeal stands dismissed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

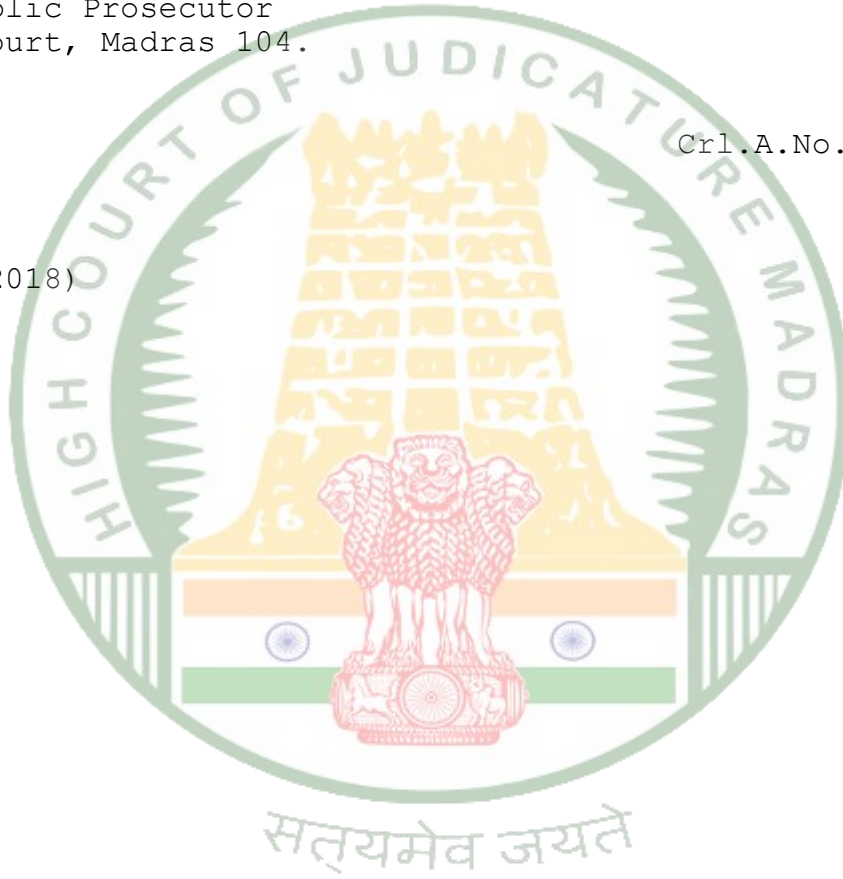
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To

1. The Principal Sessions Judge
Chengalpattu,
Kancheepuram District.
2. The Inspector of Police
Kanchee Taluk Police Station
Kancheepuram District.
3. The Public Prosecutor
High Court, Madras 104.

Cr1.A.No.664 of 2018

SV(CO)
SP(15/11/2018)



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