

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

Crl.A.No.816 of 2018

1.Lattu @ Navin kumar
2.Vellai @ Govindasamy

... Appellants

Vs

State rep by,
The Station House Officer,
Kandamangalam Police Station,
Villupuram District.
(Crime No.587 of 2018)

... Respondent

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST Act, 1989, against the order passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram in Crl.M.P.No.1508 of 2018 dated 28.11.2018 and enlarge the appellants on bail in Crime No.587 of 2018, pending on the file of the respondent police.

For Appellants : Mr.D.Veerasekaran

For Respondent : Mrs.V.Saratha Devi,
Government Advocate (Crl.Side)

J U D G M E N T

The present criminal appeal has been filed by the appellants/accused 1 and 2, against the order passed by the Lower Court in Crl.M.P.No.1508 of 2018 in Crime No.587 of 2018, dated 28.11.2018.

2. Both the appellants were arrayed as accused Nos.1 and 2 and were charged for an offence under Sections 341, 302 of I.P.C. @ 341, 302, 120(B) and 34 of I.P.C. r/w Section 3(2)(v), 3(2)(va) of SC/ST (POA) Amendment Act. They filed an application before the Trial Court for grant of bail and the same was rejected by the Trial Court, against which, the present criminal appeal has been filed.

3. From the facts and materials as disclosed, it would be seen that the first appellant who is the accused No.1, has committed an overt act attracting Section 302 of I.P.C. The second appellant was arrayed as accused No.2, who is a habitual offender. The learned Judge while dealing with the bail application, has dealt with in detail about the commission of crime by both the appellants herein, who led to the death of a person. The Court has also considered the complaint of the defacto complainant about the overt act committed by the first appellant and also the fact that the second appellant/accused No.2 is a habitual offender.

4. In the said circumstances, there was a strong objection on behalf of the prosecution. Infact, the prosecution has said that there are criminal cases pending against the second appellant in various Courts in Puducherry. This is coupled with the fact that the first appellant has committed an overt act on the deceased. Therefore, the Trial Court has rightly dismissed the bail application as releasing of these appellants would hamper the trial and further judicial process.

5. This Court finds that there is no infirmity in the order passed by the learned Trial Court, since the Trial Court has considered all the circumstances of the case and felt that it was not in the interest of the trial to grant bail to these appellants. This Court does not find anything wrong with the order passed by the Trial Court, rejecting the bail application against these appellants. Therefore, the present criminal appeal is devoid of merits and substance and the same is dismissed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

सत्यमेव जयते Sub Assistant Registrar

gsk

To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under SC & ST (PA) Act,,
Villupuram.

2.The Station House Officer,
Kandamangalam Police Station,
Villupuram District.

3. The Public prosecutor, High Court, Madras.

+1cc to Mr.D.Veerasekaran, Advocate SR.No.88721

Cr1.A.No.816 of 2018

MP (CO)
GMY (30/01/2019)



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