



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.35 of 2018

Ayyappan

: Appellant/Accused No.1

Vs.

The State Rep. by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.51 of 2015)

: Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act 1989 as amended by Act 1/2016, to call for the entire records pertaining to the order in Cr.M.P.No.3671/2017 on the file of the II Additional District and Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail.

For Appellant : Mr.M.Jegadeesh Pandian
For Respondent : Mrs.S.Bharathi,
Government Advocate (Crl.side)

JUDGMENT

On the complaint lodged by the wife of the deceased, the respondent police have registered a case in Crime No.51 of 2015 under Sections 147, 148, 149, 120(b), 302 r/w 34 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant and 5 others. The appellant filed Crl.M.P.No.3671 of 2017 before the Special Court for bail and the same has been dismissed on 03.01.2018, aggrieved by which, the appellant has filed the present appeal.

2. Heard the learned counsel for the appellant and the learned Government Advocate (Criminal side) for the respondent.

3.It is seen that the petitioner was granted bail in Crl.M.P.No.908 of 2015 on 20.05.2015 on condition that he shall appear and sign before the learned Judicial Magistrate No.I, Madurai daily twice at 10.00 a.m. and 05.00 p.m. until further orders. The petitioner did not comply with the said direction and he was in



abscondence. The petitioner voluntarily surrendered in another case and thereafter he was formally arrested on 17.11.2017.

4. Since, the petitioner is in custody from 17.11.2017, the learned counsel for the petitioner would submit that this Court could consider granting of bail to the petitioner.

5. However, the police have filed counter affidavit in which it is stated that the petitioner has seven previous cases out of which four are murder cases and three are attempt to murder cases.

6. In such view of the matter, this Court is of the view that it is not a fit case for granting bail and the Criminal Appeal is devoid of merits and the same is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District and Sessions Judge (PCR),
Tirunelveli.
2. The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJ

TE/SKN-RSK/SAR-1 : 26/03/2018 : 2P/4C

Judgment made in
Crl.A. (MD) No.35 of 2018
Dated:-16.03.2018