



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.(MD) No.473 of 2018

Selvi

... Appellant

vs.

1.State represented by
Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2.The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.
Crime No.32 of 2018

3.Maheswaran

... Respondents

PRAYER:- Criminal Appeal filed under Section 14 A (2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 19.09.2018 made in Cr.M.P.No.3434 of 2018 on the file of Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989 Sivagangai and to set aside the same and enlarge the appellant on bail in condition with Crime No.32 of 2018 on the file of the respondent police by allowing this criminal appeal.

For Appellant : Mr.G.Karupasamy Pandian for
Mr.R.Manikandan

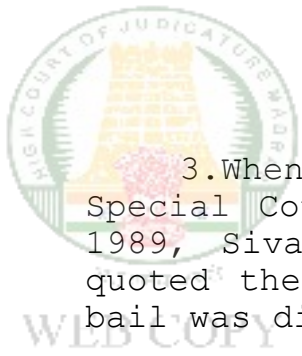
For R1 & R2 : Mr.A.P.G.OHM.Chairma Prabhu
Government Advocate (Crl.Side)

For R3 : Mr.G.Bhagavathsingh

ORDER

This criminal appeal has been filed to set aside the order dated 19.09.2018 in Cr.M.P.No.3434 of 2018 on the file of Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989 Sivagangai.

2.A case has been filed as against the appellant and other accused in Crime No.32 of 2018 on the file of the second respondent for the offence under Sections 147, 148, 294(b), 324, 307, 302 IPC and Section 3 of TNPPDPL Act and 3 (1)(r), 3 (1)(s) and 3 (2) (va) of SC/ST (POA) Amendment Act, 2015.



3. When the appellant moved the bail application before the Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai, the same was dismissed by the trial Court and quoted the judgment of the Hon'ble Supreme Court since it is the bail was dismissed, the appellant has filed this criminal appeal.

4. According to the learned counsel for the appellant, he is only arrayed as A16 in Cr.No.32 of 2018. The other accused namely, A4 and A8 have already been released on bail. In this case 33 accused have been involved and several accused have already been released on bail.

5. The learned Government Advocate (Crl.Side) appearing for the State would submit that out of 33 accused, two accused are absconding. Further, the learned Government Advocate (Crl.Side) would submit that the investigation is completed and a charge sheet has already been filed in S.C.No.65 of 2018 before the PCR Court, Sivagangai. If the appellant is released on bail, there is a possibility of tampering the witnesses. The prosecution may not be in a position to secure the other accused and the trial would be protracted. Therefore, this appeal is liable to be dismissed.

6. Heard the learned counsel on either side and also perused the materials available on record.

7. Though the respondent police have registered the case and filed a charge sheet before the concerned Court, two more accused are absconding. There is overt tact as against the appellant. At this stage, if the appellant is released on bail and thereby if the appellant does not appear before the Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989 Sivagangai and it may not be in a position to complete the other formalities of the case.

8. Under these circumstances, this Court is not inclined to grant bail to the appellant and the criminal appeal is dismissed accordingly. The second respondent is directed to secure the two more accused persons within a period of one week from the date of receipt of a copy of this order and produce them before the appropriate Court.

Sd/-
Assistant Registrar(cs-I)

/True Copy/

Sub Assistant Registrar(cs-IV)



To

1.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

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

3.The Special Judge for exclusive trial of cases
under SC/ST (POA) Act, 1989 Sivagangai.

4.The Section Officer, (2 copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.G.Bhagavathsingh Advocate in SR.No.94831

+1cc to M/s.R.Manikandan Advocate in SR.No.94678

Cr1.A.(MD) No.473 of 2018

MM

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