



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.06.2018

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R.THARANI

CRL.A.(MD) No.264 of 2018

Karuppaiah

... Appellant

Vs.

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

2. The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
(Crime No.39 of 2018)

3.Nachammai

... Respondents

Prayer : This Criminal Appeal is filed under Section 14 A(2) of SC/ST (POA) Act, 2015, to call for the records pertaining to the order dated 30.05.2018 made in Cr.M.P.No.1195 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and set aside the same and enlarge the appellant on bail on connection with Crime No.39 of 2018 on the file of the respondent by allowing this criminal appeal.

For Appellant : Mr.C.Bethanasamy
For Respondents 1 and 2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl. Side)
For 3rd Respondent : Mr.G.Bhagavath Singh

JUDGMENT

Heard Mr.C.Bethanasamy, learned counsel for the appellant, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 and Mr.G.Bhagavath Singh, learned counsel for the third respondent.

2.This appeal has been filed to set aside the order passed in Cr.M.P.No.1195 of 2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and to enlarge the appellant on bail on connection with Crime No.39 of 2018 on the file of the respondent by allowing this criminal appeal.



3. The case against the appellant is that the appellant and others attacked the deceased with hands and legs and caused death of the victim. A case was registered against the appellant under Section 174 Cr.P.C., and later on it was altered into Section 302 I.P.C. r/w. Section 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015.

4. On the side of the appellant, it is stated that there was a dispute between the victim and the wife of A1. In that regard, the wife of A1 filed a civil suit in O.S.No.111 of 2009 which is pending before the District Munsif, Thiruppathur. It is stated that appellant/A2 is working as a servant in the house of A1 and due to the ulterior motive, a false complaint was lodged against this appellant. It is further stated that A1 was already released on bail and the appellant is in custody for the past 48 days and hence, prayed to release the appellant on bail.

5. On the side of the prosecution, it is stated that the occurrence is said to have been occurred on 30.04.2018 and the civil case is pending between A1 and the deceased. When the deceased who was aged about 74 years old, doing some work in his land, he was attacked by the appellant and other co-accused and thereby, the deceased died on the spot.

6. On the side of the intervenor, it is stated that the appellant is not working under A1, only the appellant's son is working under the son of A1. It is further stated that due to some land dispute, the appellant used to threaten the deceased. The deceased already lodged a complaint before the Police against the appellant and others. When the deceased questioned the encroachment made by the accused, the accused attacked the deceased and caused his death. A1 and A2 voluntarily surrendered before the Court and they were not been arrested by Police. The co-accused was released on bail only because he was 75 years old. Investigation is not yet to be completed and pleaded that the petition to be dismissed.

7. Records perused. The offence committed by the appellant and other co accused is murder and the deceased belonged to Scheduled Caste. A perusal of records reveals that the deceased is also an aged person. The co-accused A1 was released on bail only for the reason that he was 75 years old. The investigation is still pending. If released on bail accused may tamper the evidence,/ In these Circumstances, this Court is not inclined to release on bail. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/



To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989,
Sivagangai.
2. The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
3. The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
4. The Superintendent, Central Prison,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

CP

TE/PN/SAR-4 : 04/07/2018 : 3P/8C

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