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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRIMINAL APPEAL (MD) No.489 of 2018

Ottakulathan @ Kandhasamy

: Appellant

Vs.

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

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

3.Maheswaran

: Respondents

PRAYER : Criminal Appeal is filed under Section 14 (A) (2) of SC/ST (POA) Act, 2016, to set aside the order passed by the learned Sessions Judge, Sivagangai in CrI.M.P.No.3696 of 2018, dated 11.10.2018 and to enlarge the appellant on bail in Crime No.32/2018 on the file of the respondent.

For Appellant : Mr.V.Kannan

For R1 & R2 : Mrs.S.Bharathi

Government Advocate (Crl.side)

JUDGMENT

This criminal appeal is filed to set aside the order passed by the learned Sessions Judge, Sivagangai in CrI.M.P.No.3696 of 2018, dated 11.10.2018 and to enlarge the appellant on bail in Crime No.32/2018 on the file of the respondent.

2.Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl.side) appearing for the first and second respondents.

3.The learned counsel for the appellant would submit that the reason given by the Court below is that the investigation is yet to be completed. The learned counsel for the appellant would further submit that only based on the confession statement given by the co-accused, the appellant has now been arrayed as an accused in this case. Some of the accused have been released on bail and therefore, the same may be extended to this appellant



also. Hence, allow the appeal.

4. According to the prosecution, two more accused have to be secured. If he is released on bail, there is a possibility of tampering the witnesses.

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5. The learned Government Advocate (Crl.side) for the respondent police would submit that the offence for which the appellant arrayed as an accused is under Section 302 IPC which is serious in nature and there is also specific overt-act against the appellant. Therefore, if he is released on bail, there may be a chance for tampering the witnesses and there is no reason to interfere with the order passed by the learned Special Judge.

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

7. Considering the serious nature of the offence alleged to have been committed by the appellant and also considering the number of the accused involved in this case and two of them have not yet been secured, if this appellant is released on bail, possibility of tampering the witnesses and also protracting the trial proceeding, this Court is not inclined to allow the appeal. Therefore, this criminal appeal is dismissed, confirming the order passed by the learned Sessions Judge, Sivagangai in Crl.M.P.No.3696 of 2018, dated 11.10.2018.

Sd/-

Assistant Registrar (CO)

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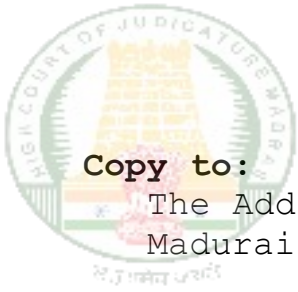
Sub Assistant Registrar (CS-IV)

To

1. The Sessions Judge,
Special Court for Exclusive Trail of Cases
Under SC/ST (POA) Act 1989, Sivagangai.

2. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Manamadurai,
Sivagangai District.

3. The Inspector of Police,
Police Station,
Sivagangai District.



Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.V.KANNAN, ADVOCATE IN SR NO.94725

RMI

BU/RSK/SAR-IV :15.11.2018 : 3P/6C

JUDGMENT MADE IN
CRIMINAL APPEAL (MD) No.489 of 2018
08.11.2018