



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.11.2018

Coram:
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A(MD).No.510 of 2018

WEB COPY

Suresh .. Appellant/Accused No.1
-Vs-

1.State rep. by
The Deputy Superintendant of Police,
Uthamapalayam Sub-Division,
Theni District.

2.State rep. by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

(Crime No. 513 of 2018) ... Respondents /complainants

3.Chinna Eswaran ..3rd respondent / defacto complainant

Prayer: This Criminal Appeal is filed under Section 14A (2) of SC/ST (POA) Act, 1989 and Amended by Act 1/2016 to call for the records relating to order dated 12.11.2018 passed in Cr.M.P.No.3247 of 2018, on the file of the learned Principal Sessions Judge, Theni and set aside the same as arbitrary and consequently order to release the appellant on bail in connection with Crime No.513 of 2018 on the file of the second respondent Police.

For Appellant : Mr. C. Abul Kalam Azad
For R1 and R2 : Mr.A.P.G. Ohm Chairma Prabhu
Government Advocate (Crl. Side)

JUDGMENT

This Criminal Revision Appeal is filed to call for the records relating to order dated 12.11.2018, passed in Cr.M.P.No.3247 of 2018, on the file of the learned Principal Sessions Judge, Theni and set aside the same as arbitrary and consequently order to release the appellant on bail in connection with Crime No.513 of 2018, on the file of the second respondent Police.

2. The case of the prosecution is that based on the complaint given by the third respondent / defacto complainant, a case has been registered against the appellant in Crime No.510 of 2018, for the offence under Sections 294(b), 323 IPC and Sections 3 (1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Amendment Act 2015, by the second respondent Police. The appellant / A1 was arrested and remanded to Judicial custody on 07.11.2018. Thereafter, the appellant filed Cr.M.P.No.3247 of 2018, before the learned Principal Sessions Court, Theni and the same was dismissed on



12.11.2018. Against which, the petitioner has filed the present appeal.

3. The learned counsel appearing for the appellant submitted that due to previous enmity between the appellant and the defacto complainant, he was falsely implicated in this case. Therefore, the order passed by the learned Judge warrants interference of this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that there are two accused in this case and the second accused is absconded. He would further submit that there is a prima facie allegation against this appellant and the investigation is in initial stage. If the appellant is released on bail he will tamper the witness and hamper the investigation and hence, prayed for dismissal of this appeal.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the allegations levelled against the appellant and also considering the fact that A2 has been absconded and yet to be secured and the investigation is in preliminary stage, this Court is of the view that there is a possibility of escape from the clutches of law. Further, there is specific overtact against the appellant. Hence, I am not inclined to allow this appeal and there is no merit in this case. Accordingly, this Criminal Appeal is dismissed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Principal Sessions Judge, Theni.

2.The Deputy Superintendant of Police,
Uthamapalayam Sub-Division,Theni District.

3.The Officer in charge,Sub Jail, Uthamapalayam.

4.The Inspector of Police,
Uthamapalayam Police Station, Theni District.

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

+1CC to Mr. C. Abul Kalam Azad, Advocate, SR.No.21716

Crl.A(MD).No.510 of 2018
16.11.2018