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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 20.09.2018
DELIVERED ON : 05.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A(MD)No.404 of 2018

Muthuselvam .. Appellant/Accused rank not known

Vs.

1. The State through the
Deputy Superintendent of Police,
Manamadurai Sub-Division,
Sivagangai District.

.. 1st Respondent /
Investigating Officer

2. The State rep by
The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.
(in Crime No.32 of 2018)

.. 2nd Respondent/Complainant

3.Maheswaran

.. 3rd Respondent/*de facto*
Complainant

Prayer: Criminal Appeal filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016, praying to call for the records in Cr.M.P.No.3290 of 2018 on the file of the learned Sessions Judge, Sivagangai (Special Court for trial of cases under SC-ST (POA) Act, 1989) dated 30.08.2018 and set aside the same and consequently enlarge the appellant on bail in connection with Cr. No.32 of 2018.

For Appellant :Mr.M.Jegadees Pandian
For R1 & R2 :Mr.K.Chellapandian,
Additional Advocate General
Assisted by:
Mr.A.Robinson,
Government Advocate (Crl.side)
For R3 :Mr.G.Bhagavath Singh

JUDGEMENT



Exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai. The brief facts leading to the present bail petition are as below:-

2. Katchanatham Village of Manamadurai Taluk at Sivagangai District is a small hamlet, mostly inhabited by people belonging to the Schedule Caste (SC) community. One family of this hamlet and villagers surrounding this hamlet belong to other community. It appears that there was a personal feud between that one family, belonging to the non-SC Community and the members of the SC Community.

3. On 31.07.2017, the members of the SC Community have given a complaint to the District Collector, alleging that Suman, son of Chandrakumar, is causing disturbance to the members of the SC Community and they are threatening their lives. They have made a specific allegation of events which had taken place in the village on 02.07.2017, 17.07.2017, 18.07.2017 and 29.07.2017 which are cause for their fear. The said representation was given to the District Collector seeking protection for their lives and properties by one Mr.M.Sundaram and nine other villagers. It appears that, thereafter, when the temple festival was conducted on 25.05.2018, Chandrakumar of non-SC community had picked a quarrel with one Shanmuganathan of SC Community. As a result, on 26.05.2018, Shanmuganathan has lodged a complaint against Chandrakumar and others. Consequently, Chandrakumar was enquired by the police.

4. The case under consideration is in respect of the unfortunate event which had taken place on 25.05.2018 at about 09.00 p.m. As per the F.I.R., a case was registered based on the complaint given by Maheswaran, son of Bhoominathan. On 28.05.2018, 17 named accused and others armed with deadly weapons attacked Shanmuganathan, Arumugam, Dhanasekaran and others. The roof of the victim's residence was damaged by the mob. The said clash has resulted in the death of three persons and injuries to five others, besides damage to the properties of the SC community people. A case has been registered against 17 named persons and other unknown persons on 29.05.2018 at 05.00 hrs for offence under Sections 147, 148, 294(b), 324, 307 and 302 I.P.C. and Section 3 of Public Property Damage and Loss Act, 1992 and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

5. Learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case. Neither the *de facto* complainant nor the witnesses have attributed anything about the accused in the alleged crime. Just because this appellant is an accused in another crime number, the police has wantonly roped him in this case so as to detain him in prison.

6. Whereas, the learned Additional Advocate General appearing on behalf of the State would submit that the overtact of this appellant is spoken by the witnesses, besides the confession



statement of the accused person, and it reveals that it is the appellant, who along with others damaged the properties in the victim's house. Hence, the bail petition should not be entertained. It is further submitted that the release of the appellant will disturb the tranquility of the village.

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7. Heard the learned counsel for the appellant, learned Additional Advocate General for the State and learned counsel appearing for the victim and also perused the records placed before this Court.

8. On considering the rival submissions and overtact attributed to the appellant herein, this Court is of the opinion that the appellant herein, is not entitled for bail, since his antecedent and the materials placed against him indicates that if he is released on bail, he may not only tamper the witness but also disturb the peace and tranquility. Hence, the bail is not granted and accordingly, the Criminal Appeal is dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-)

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,
Manamadurai Sub-Division,
Sivagangai District.
3. The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.G.BHAGAVATH SINGH, ADVOCATE IN SR No. 89231

STS

TE/SV/SAR-4 : 09/10/2018 : 3P/6C