



WEB COPY

1

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.405 of 2018

Chinnu

.. Appellant / Accused rank  
not known

**Vs.**

1. The State through the  
Deputy Superintendent of Police,  
Manamadurai Sub-Division,  
Sivagangai District.
2. The State rep by  
The Inspector of Police,  
Pazhayanoor Police Station,  
Sivagangai District.  
(in Crime No.32 of 2018)

.. 1 & 2 Respondents /  
Complainant  
.. 3<sup>rd</sup> Respondent/ *de facto*  
Complainant

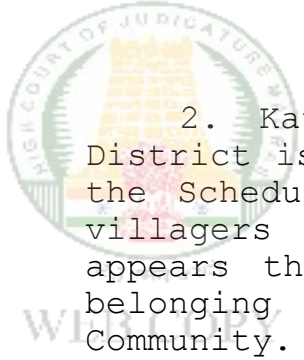
3.Maheswaran

**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.3292 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 appellants on bail in connection with crime No.32 of 2018 on the file of the respondent.

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**

This Criminal Appeal is filed by one of the accused facing trial in Special Case No.32 of 2018 before the Special Court for Exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai. The brief facts leading to the present bail petition are as below:-



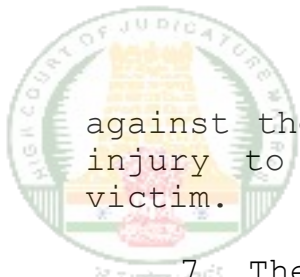
2. Katchanatham Village of Manamadurai Taluk at Sivagangai District is a small hamlet, mostly inhabited by people belonging to the Schedule Caste (SC) community. One family of this hamlet and villagers surrounding this hamlet belong to other community. It appears that there was a personal feud between 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 Bhominathan. 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. The appellant, Chinnu is one of the accused arrested on 07.06.2018. According to the learned counsel for the appellant, he has been falsely implicated in this case. The *de facto* complainant has not named him in the complaint and it is submitted that the appellant has been roped in as an accused by the police, based on the confession statement of the accused wherein he has been attributed for causing damage to the house of the victim.

6. According to the learned Additional Advocate General appearing for the State, counter affidavit has been filed and it is stated that the appellant has actually participated in the crime and confession statements of Arunpandi and Karupiah clearly reveals that this appellant along with others have perpetuated the crime



against the SC community people causing death of three persons and injury to five others, besides damage to the properties of the victim.

7. The learned counsel appearing for the victim would express his apprehension of the appellant tampering the witnesses and that if the appellant is released on bail, then he would be a threat to peace and tranquility.

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

9. Considering the rival submissions made by the learned Additional Advocate General and antecedents of the appellant herein, this Court is of the opinion that the appellant herein, does not deserve liberty at the pre-trial stage. In view of the gravity of the offence and his role in the crime and antecedent, to avoid any recurrence, the detention of the petitioner till disposal of the trial is inevitable. Hence, the bail is not granted and accordingly, this Criminal Appeal is dismissed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

**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.

STS

TE/SV/SAR-4 : 09/10/2018 : 3P/5C

Judgment in  
Crl.A(MD) No.405 of 2018  
05.10.2018  
(2/2)