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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

Cr1.A(MD)No.434 of 2018

Akkini @ Akkiniraj .. Appellant / Accused No.17
Vs.

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

.. Respondent /
Investigating Officer

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

.. Respondent / Complainant

3.Maheswaran

.. Respondent/ *de facto*
Complainant

Prayer: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 and 439 of Cr.P.C., to call for the entire records relating to the impugned order dated 14.09.2018 made in Cr.M.P.No.3384 of 2018 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and to set aside the same and consequently release the appellant on bail in connection with the FIR in Crime No.32 of 2018, on the file of the respondent police.

For Appellant	:Mr.M.S.Jeyakarthik
For R1 & R2	:Mr.K.Chellapandian, Additional Advocate General Assisted by: Mr.A.Robinson, Government Advocate (Cr1.side)
For R3	: Mr.G.Bhagavath Singh

**J U D G E M E N T**

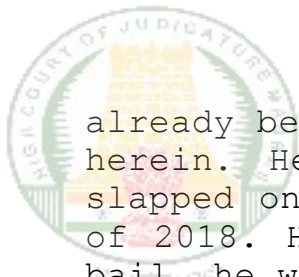
This Criminal Appeal is filed by one of the accused facing trial in Special Case No.32 of 2018 before the Special Court for Exclusive trial of cases under SC/ST (POA) Act, 1989, Sivagangai. The brief facts leading to the present bail petition are as below:-

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 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.

<https://hcservices.ecourts.gov.in/hcservices/> 5. In the present case, the appellant has been arrayed as the 17th accused. According to the learned counsel for the appellant, he has been falsely implicated in this case. The investigation has



already been completed and final report is filed and the appellant herein. He has not committed any offence. The detention order slapped on him has been quashed by this Court in H.C.P(MD) No.975 of 2018. He also submitted that if the appellant is released on bail, he will abide by the conditions and cooperate for the trial.

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6. Whereas, the learned Additional Advocate General appearing for the State would submit that this appellant along with other accused persons have brutally murdered three persons and caused grievous injuries to five others. This appellant is one of the accused named in the FIR itself and the eye witness has indicated the overtact of this appellant, who has attacked one Chandrasekar with a sword on the left elbow and chest.

7. Learned counsel appearing for the victim would submit that the appellant herein is one of the named accused in the FIR and his overtact has been spoken by the eye witness and he is the perpetrator of the crime, which has shocked the conscience of the general public. In the larger interest of the public, he should not be released on bail.

8. 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.

9. Considering the rival submissions, nature of injury alleged to be caused by the appellant herein *vis a vis* the personal liberty, peace and tranquility of the general public, this Court is of the general opinion that this appellant is not entitled for bail. Accordingly, this Criminal Appeal is dismissed.

Sd/-

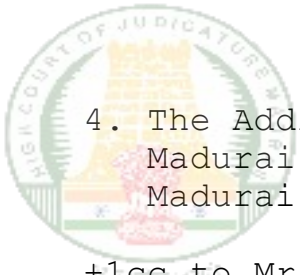
Assistant Registrar(CO)

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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,
Razhayam Police Station,
Sivagangai District.



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

+lcc to Mr.M.S.Jeyakarthik, Advocate Sr.No.89058

+lcc to Mr.G.Bhagavath Singh, Advocate Sr.No.89228

STS

VB/RSK/SAR4/09.10.2018/4P/7C

**Delivery Judgment in
Crl.A(MD)No.434 of 2018
05.10.2018**