



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 04.04.2018
DELIVERED ON : 06.04.2018

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD) No.157 of 2018

Mohan @ Mundakkan Mohan

.. Appellant

Vs.

State: The Assistant Commissioner of Police,
Tirunelveli City, Palayamkottai Police Station,
Crime No.196 of 2017

.. Respondent

Prayer : This appeal is filed under Section 14(2) of SC/ST (Prevention of Atrocities) Act, 1989, to call for the records in Cr.M.P.No.231 of 2018 in Cr.No.196 of 2017 on the file of the learned II Additional District and Sessions Judge, Tirunelveli, dated 20.02.2018 and set aside the same and grant bail to the appellant in Cr.No.196 of 2017 on the file of the respondent Police.

For Appellant : Mr.T.A.Ebenezer

For Respondent : Mr.K.Sumbulinga Bharathi

Government Advocate (Crl. Side)

JUDGMENT

Heard Mr.T.A.Ebenezer, learned counsel appearing for the appellant and Mr.K.Sumbulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This appeal has been filed to set aside the order passed in Cr.M.P.No.231 of 2018 in Cr.No.196 of 2017, on the file of the II Additional District and Sessions Judge, Tirunelveli, dated 20.02.2018.

3.The respondent police has registered a case in Crime No.196 of 2017 for the offences under Sections 147, 148, 341, 294(b), 353, 302, 506(ii) of IPC and Section 3 of Tamil Nadu Prevention of Damage to Public Property Act and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Act as amended by Act, 2015. It is stated that on 24.02.2017, when the deceased Singaram was taken in a police vehicle for producing him before the Court in Tuticorin in connection with another criminal case that was pending against him, the accused intercepted the police vehicle in his load auto bearing Registration No.TN 72 AV 9708, K.T.C. Nager bus stop at about 11.00 a.m, at the time, 10 persons from one Ford Ikon Car and one Innova Car attacked the police vehicle with weapons and throw chilly powder on the police persons and caused multiple injuries to the custodial accused



and threatened the police with dire consequences.

4. On the side of the appellant, it is stated that A1 and A2 were already granted bail and this appellant is only A6 in the case and he is in custody. He would further submit that his name is not mentioned in the FIR and only after the confession of the co-accused, the name of the appellant is impleaded and the maximum overtact alleged against this appellant is that he drove the vehicle. The case has already been taken on file on 07.03.2017 after the investigation was completed and there is no necessity for keeping this accused in custody. It is further stated that the lower Court gave much importance to the antecedent of the accused but failed to consider that the accused was not convicted in any case so far. All these cases are filed only because the police impleaded him in all caste cases and the petitioner is not involved in any of these cases actually.

5. On the side of the respondent, it is stated that the offence is murder and the accused involved in the offence intercepted the police vehicle and attacked and caused injury to the police and irrespective of the strong security, the appellant and other accused by pouring chilly powder attacked the deceased and caused his death. It is further stated that this appellant is having eight previous cases, seven out of them are murder cases and if the accused is released on bail, he may indulge in committing similar offence, again.

6. The offence against the appellant is grave in nature, waylaying the police vehicle and attacking the person who is in police custody irrespective of the tight security given by the police is certainly a serious offence. Though the accused was not convicted in any case so far, he was involved in eight cases and seven of them were murder cases. It is to be certainly considered.

7. The offence is day light murder and the person in police custody with tight security being murdered and considering the previous antecedents of the appellant, this Court is of the view that there is no reason to interfere with the order passed by the learned II Additional District and Sessions Judge, Tirunelveli. In the result, the criminal appeal is dismissed. No Costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The II Additional District and Sessions Judge, Tirunelveli.

MRN

<https://hcservices.courts.gov.in/hcservices/>
TE/RRR/SAR-2 : 20/04/2018 : 2P/2C

Cr1. A. (MD) No.157 of 2018
06.04.2018