

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.No.138 of 2019

M 80 Selvam @ Selvaraj

... Appellant /Single Accused

vs.

The State rep. by
The Inspector of Police,
Attayampatti Police Station,
Salem District.
(Cr.No.9 of 2019)

... Respondent/Complainant

The Criminal Appeal filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities Amendment) Act, 2015, to set aside the order dated 14.02.2019 made in C.M.P.No.502 of 2019 on the file of the learned Principal Sessions Judge, Salem, and to allow the appeal by enlarging the appellant on bail.

For Appellant : Mr.N.Anand

For respondent : Mr.R.Ravichandran,
Government Advocate (Crl.Side)

JUDGMENT

The above criminal appeal has been filed against the order of dismissal of petition seeking bail filed by the petitioner in C.M.P.No.502 of 2019 made by the learned Principal Sessions Judge, Salem.

2 The respondent police registered a case in Cr.No.9 of 2019 against the appellant for the offence punishable under Sections 294 (b), 427, 506(ii) IPC r/w 3(1)(r)(s) SC St (Prevention of Atrocities) Amendment Act, 2015. Pending investigation, the appellant moved petition for bail under Section 439 of Cr.P.C. before the learned Principal Sessions Judge, Salem, in C.M.P.No.502 of 2019 in Cr.No.9 of 2019. The learned Principal Sessions Judge, after hearing both the parties, by order dated 14.2.2019 had dismissed the petition seeking bail, by observing that the appellant was convicted in a similar case and appeal also pending against the conviction and further investigation is at initial stage. Aggrieved against the

dismissal of bail petition, the appellant is before this Court with the present criminal appeal, seeking bail.

3 The learned counsel for the appellant would submit that the allegation made against the appellant is that the appellant knocked the door of defacto complainant's house at the midnight and shouted to open the door, when the appellant came out and raised alarm, neighbours have gathered and the appellant ran away from the place. The above incident does not attract any criminal offence and for the same the appellant need not be in prison. Earlier there was wordy quarrel between the appellant and the defacto complainant and in continuance of the same, a false case has been foisted against the appellant. Therefore, the appellant is entitled for bail.

4 The learned Government Advocate (Crl.Side) would submit that investigation is at initial stage and charge not yet filed and now if the appellant is released on bail, the appellant may tamper the witnesses. Hence prays to dismiss the appeal.

5 Heard the learned counsel appearing on either side and perused the materials available on record.

6 It is seen that the appellant was charged for the offence under Sections 294 (b), 427, 506(ii) IPC r/w 3(1)(r)(s) SC St (Prevention of Atrocities) Amendment Act, 2015. The learned Sessions Judge dismissed the bail petition filed by the appellant stating that the appellant was already convicted in a similar case and appeal also pending against the judgment of conviction. This Court does not find any perversity in the above conclusion. Further investigation also not completed and charge sheet not filed. Under these circumstance, the appellant could not be released on bail.

7 In view of the above, this Court is not inclined to entertain the appeal filed against the order of dismissal of bail petition. This Court finds no merit and substance in the present criminal appeal.

8 In the result, the criminal appeal is dismissed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge, Salem.
2. The Public Prosecutor, Madras High Court.

Cr1.A.No.138 of 2019

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GN(26/04/2019)



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