

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.181 of 2019

Rajesh

Appellant

Vs

The State of Tamil Nadu,
Rep., By. Inspector of Police,
Vellore North Police Station, (Law and Order),
Vellore.
(Crime No.68 of 2019)

Respondent

PRAYER: Criminal Appeal has been filed under Section 14 (A) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act 1989, to call for the records in pursuant to Cr.M.P.No.1023 of 2019 vide order dated 19.03.2019 on the file of the learned Principal Sessions Judge, Vellore, and set aside the same and enlarge the petitioner on bail in Crime No.68 of 2019 on the file of the respondent police.

For Appellant : Mr.M.Sathis Kumar

For Respondent : Mr.R.Ravichandran
Government Advocate (Criminal Side)

O R D E R

The respondent police registered a case against the appellant/accused in Crime No.68 of 2019 for the offence under Sections 147, 148, 341, 294(b), 324, 307, 506(ii) of IPC Subsequently, which was altered into Sections 147, 148, 341, 294 (b), 324, 506(ii), 302 of IPC 3(2)(v) of SC/ST POA amendment Act 2015.

2 Thereafter, the appellant/accused was arrested by the respondent police and remanded to judicial custody. During the investigation, the appellant filed a petition before the learned Principal Session Court, Vellore to enlarge the appellant on bail. After hearing the arguments, the learned Principal Sessions Judge, Vellore dismissed the petition in Cr.M.P.No.1023 of 2019 . As against the order of dismissal, the appellant/accused has filed the present appeal before this Court.

3 The learned counsel for the appellant would submit that even though there is allegations against the appelland and initially they have filed a case under Sections 147, 148, 341, 294(b), 324, 307, 506(ii) of IPC, subsequently which was altered into Sections 147, 148, 341, 294(b), 324, 506(ii), 302 of IPC 3(2)(v) of SC/ST POA amendment Act 2015. But there is no specific overtact regarding the offences under Section 147, 148, 341, 294(b), 324, 506(ii), 302 of IPC 3(2)(v) of SC/ST POA. The learned Principal Sessions Judge, Vellore has failed to consider the said facts and dismissed the petition. Hence, the learned counsel prays to allow this Appeal.

4 Heard, perused the materials available on record.

5 Originally, this case was registered under Sections 147, 148, 341, 294(b), 324, 307, 506(ii) of IPC and subsequently it was altered into Sections 147, 148, 341, 294(b), 324, 506(ii), 302 of IPC 3(2)(v) of SC/ST POA amendment Act 2015. The investigation is still pending, charge sheet has not yet been filed. Considering that the nature of the offences and same are serious in nature, this Court finds that there is no perversity in the order passed by the learned Principal Sessions Judge, Vellore. There is specific overt act against this appellant. Therefore, this Court does not find any merits in this Appeal.

6 In the result, the present Criminal Appeal is dismissed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

sbn

To

- 1.The Principal Sessions Judge,
The Principal Sessions Court,
Vellore.
2. The Section Officer,
Criminal Section,
High Court, Madras

Cr1.A.No.181of 2019

RSV(CO)
GMY(18/06/2019)