

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.A.No.234 of 2019

Sakthivel

...Appellant/Accused

-Vs-

The State Rep. by
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
(Cr.No.132/2019)

...Respondent/Complainant

Criminal Revision Petition filed under Sections 14A(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, as amended by Act 1 of 2016 to set aside the order dated 09.04.2019 made in Crl.M.P.No.1805 of 2019 on the file of the learned Principal Sessions Judge cum Special Judge, Kanchipuram District at Chengalpet and consequently onlarge the Petitioner on bail in Crime No.132 of 2019 on the file of Inspector of Police, Kanchi Taluk Police Station, Kancheepuram District.

For appellant : Mr.D.Devendran

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

JUDGMENT

The respondent police registered a case in Cr.No.132 of 2019 against these appellant/accused for the offence under Section 147, 148, 341, 294(b), 324, 506(ii), 307, 302 IPC read with 3(2) (va) of SC/ST (POA) Amendment Act 2015. After investigation, the respondent police arrested the appellant and remanded him to judicial custody on 06.03.2019 and filed a charge sheet against the appellant before the learned Principal Sessions Judge, Kancheepuram District and the same was taken on file. During the pendency of the case, the accused/appellant filed the petition in Crl.M.P.No.1805 of 2019, seeking bail. After hearing both side, the learned Judge dismissed the petition. Challenging the said order dated 09.04.2019, the appellant has preferred the present appeal before this Court.

2. The learned counsel for the appellant would submit that false case has been foisted against the appellant. He is in the

judicial custody for more than 52 days. The appellant has not committed any offence. The learned Judge failed to consider the allegation and dismissed the bail petition. The learned counsel prays to set aside the order passed by the learned Sessions Judge.

3. Per contra, the learned Government Advocate (Crl. side) has strongly objected the contention raised by the learned counsel for the appellant. Number of days he is in custody is not a matter. There is a specific overtact against this appellant. The alleged offences are serious in nature. If the appellants released on bail, there is possibility for absconding and the trial would be protracted. The learned Sessions Judge rightly dismissed the petition filed by the accused, which does not warrants any interference of this Court.

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

5. The respondent police registered the case against the appellant in Cr.No.132 of 2019 for the offence under Section 147, 148, 341, 294(b), 324, 506(ii), 307, 302 IPC read with 3(2) (va) of SC/ST (POA) Amendment Act 2015. The appellant is in the judicial custody from 06.03.2019.

6. Investigation is pending and there is a specific overtact against this appellant. Considering the seriousness of the allegation and nature of the offence, if the appellant is released on bail, there is possibility for absconding or otherwise revenge would be taken against the opposite party, which may lead to further offence.

7. Considering the sensitive nature of the case, this Court is not inclined to allow the appeal and there is no reason to interfere with the order passed by the learned Principal Sessions Judge, Salem in Crl.MP. No.1805 of 2019 dated 09.04.2019.

8. In the result, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

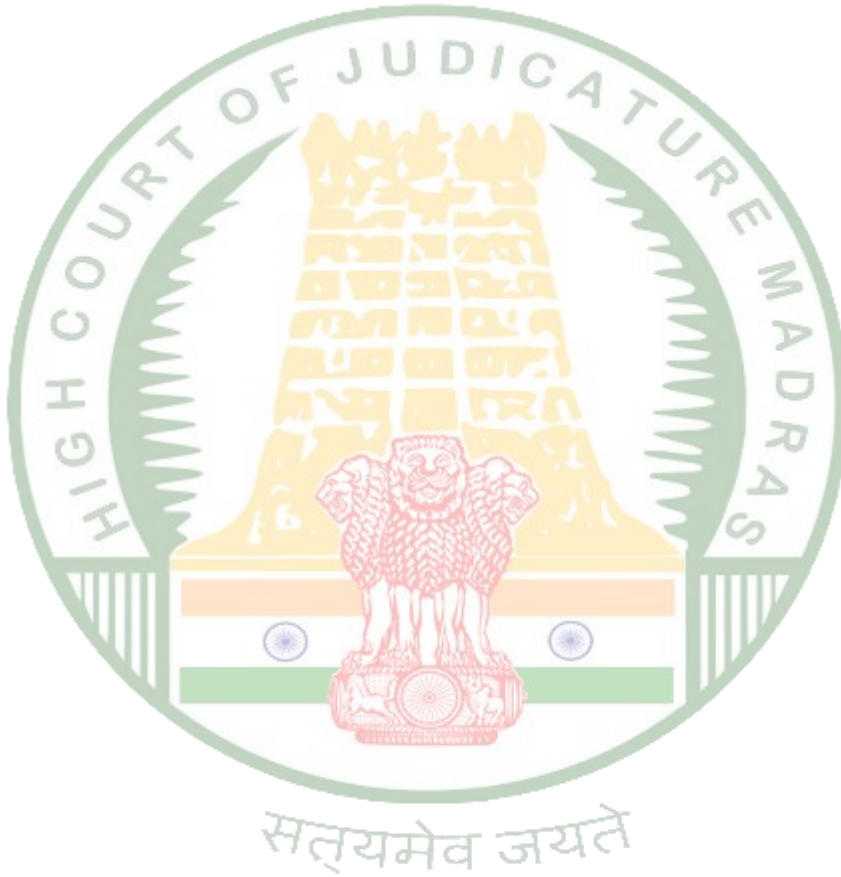
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To

1. The Principal Sessions Judge cum Special Judge,
Kancheepuram.
2. The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
3. The Public Prosecutor, High Court of Madras.

Cr1.A.No.234 of 2019

A.SK(30/01/2020)



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