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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.406 of 2019

Ramu @ Ramasamy,
S/o. Sekar,
No.85, Thiruppukudal Street,
Big Kancheepuram,
Kancheepuram District.

.. Appellant/Accsued(A5)

Vs.

1. State represented by
Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.

2. Munusamy,
S/o.Madurai,
No.86, Mariyamman Koil Street,
Chittiyampakkam Village,
Kancheepuram District. .. Respondents /Complainant
(2nd Respondent is impleaded as per order
dated 12/7/2019 in Crl.MP 9397 of 2019)

Criminal Appeal filed under Section 14A (II) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 24.06.2019 in Crl.M.P.No.2961 of 2019 on the file of the Principal Sessions Court, Chengalpet, Kancheepuram District and to enlarge the appellant on bail in connection with Crime.No.199 of 2019 on the file of the Sivakanchi Police Station, Kancheepuram District.

For Appellant : Mr.R.Sasikumar

For R1 : Mrs.P.Kritika Kamal,
Govt. Advocate (Crl. Side)

For R2 : Mr.A.John Britto



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JUDGMENT

This appeal has been preferred seeking to set aside the order dated 24.06.2019 in Crl.M.P.No.2961 of 2019 on the file of the Principal Sessions Court, Chengalpet, Kancheepuram District and to enlarge the appellant on bail in connection with Crime.No.199 of 2019 on the file of the Sivakanchi Police Station, Kancheepuram District.

2. On the complaint lodged by the second respondent that his son Naveenkumar studying in 10th standard, had gone out on 28.05.2019, did not return home and on searching him, his body was found in a desolate place, the police/first respondent registered a case in Crime No.199 of 2019 for the offences under Sections 147, 148, 294 (b), 323, and 302 IPC r/w 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST Act") and has arrested ten accused including the appellant herein on 31.05.2019. During the course of the investigation, it came to light that the murder was on account of communal differences and therefore, the provisions of the SC/ST Act was also invoked. The bail application in Crl.M.P.No.2961 of 2019 filed by the appellant has been dismissed by the Trial Court 24.06.2019, aggrieved by which, this appeal has been filed.

3. Heard Mr.R.Sasikumar, learned counsel for the appellant, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the first respondent/State and Mr.A.John Britto, learned counsel for the second respondent.

4. The learned counsel for the appellant submitted that the appellant has been falsely implicated and he was not involved in this case. However, on perusal of the Case Diary, it is seen that the accused in this case had called the deceased to a grove, where they were drinking and wanted the deceased to buy snacks for them. When the deceased refused to comply with the demand, it is alleged that he was beaten to death.

5. The learned Government Advocate submitted that there were twenty two previous cases against A1 in this case.



6. Taking into consideration the nature of the allegations, this is not a fit case to grant bail to the appellant at this juncture.

In the result, this appeal is dismissed as being devoid of merits.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Chengalpet,
Kancheepuram District.
2. The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.

+1cc to Mr.A.John Britto, Advocate Sr.60072

Crl.A.No.406 of 2019

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srg 22/08/2019