

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.A.No.601of 2019

Abdoul Rahuman

Appellant/Accused-2

Vs.

1.State by Station House Officer,
Aurovil Police Station, Villupuram Respondent / Complainant
(Crime No. 95/2019)

2.Ranjitham Victim /Mother of deceased

PRAYER: This Criminal Appeal has been filed under Section 14A of SC/ST Act, to set aside the order, dated 02.08.2019, made, in Crl.MP.No.1218 of 2019 by the Sessions Judge, Special Court of Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Villupuram and release the Appellant/A2 on bail, pending investigation in Crime No.195 of 2019 on the file of the Inspector of Police, Aurovil Police Station, Villupuram District.

For Appellant : Mr.K.Selvarangan

For Respondent-1: Mr.M.Mohamed Riyaz, APP

No Appearance for R2

JUDGMENT

1.This Criminal Appeal has been filed by the Appellant/A2, seeking to set aside the order, dated 02.08.2019, made, in Crl.MP.No.1218 of 2019 by the Sessions Judge, Special Court of Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, Villupuram and to release the Appellant/A2 on bail, pending investigation in Crime No.195 of 2019, on the file of the Inspector of Police, Aurovil Police Station, Villupuram District.

2.This Court heard the learned counsel on either side and perused the materials placed on record.

3.The facts of the case are that the Appellant/A2 and the victim girl were in love with each other and she used to go to the house of A2 and that on 02.05.2019, she did not return back to home and thereafter, she was found as dead and the victim body was identified by her parents. A case was registered in Cr.No.195 of 2019 by the Respondent Police, for the offences under Sections 302, 201, 120B, 364, 376D read with 3(2)(v), 3(20(va) of the SC/ST (POA) Act and the Appellant/A1 was arrested and remanded to judicial custody on 03.05.2019. In and by the impugned order, the Court below had dismissed the petition filed by the Appellant/A1 under Section 439 of Cr.PC, seeking bail. Hence, this Criminal Appeal has been filed by the Appellant/A1.

4.The main ground raised by the learned counsel for the Appellant/A2 is that the Appellant/A2 has been in prison for more than 90 days and that the Respondent has not filed a final report so far. On the other hand, it is contention of the Respondent Police that the investigation is pending and medical report is not yet received.

5.A perusal of the grounds of appeal shows that the date of arrest has not been mentioned. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is of the view that it is not at stage at which, the Appellant/A2 can be enlarged on bail and accordingly, this Criminal Appeal is dismissed. However, liberty is granted to the Appellant/A2 to approach the Court below, seeking bail under Section 167 of Cr.PC, by filing appropriate application and the Court below shall consider and dispose of it, on merits and in accordance with law.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

jrs
To

1.The Sessions Judge, Special Court of Exclusive Trial of Cases registered under the scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act Villupuram.

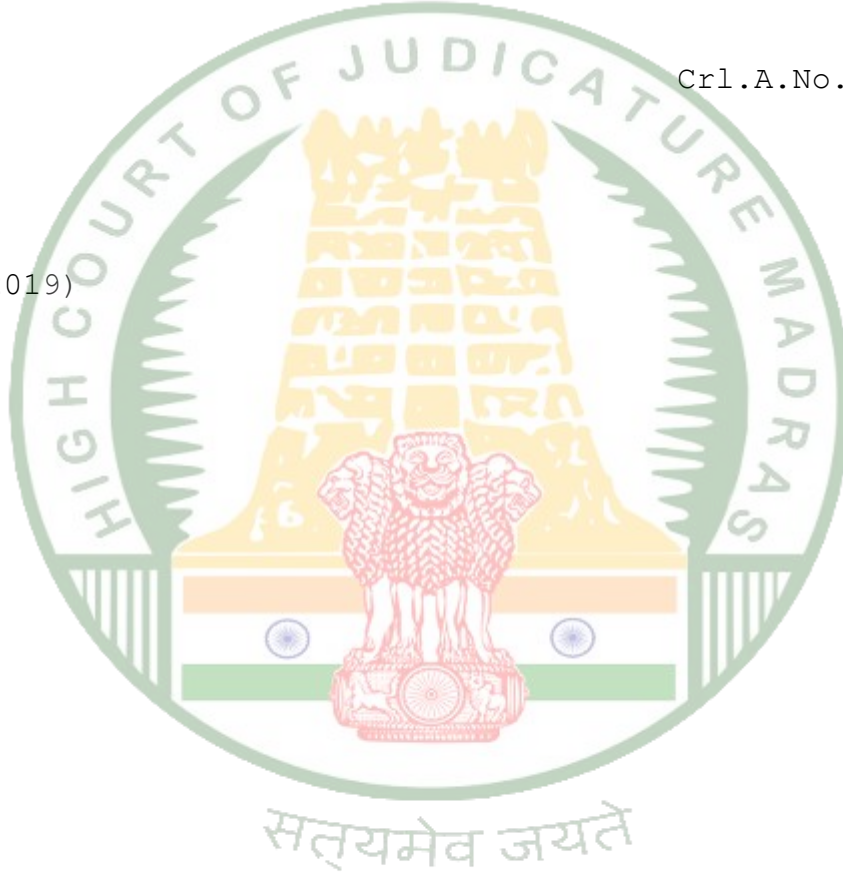
2. The Station House Officer,
Aurovil Police Station
Villupuram District

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Selvarangan, Advocate sr 81980(30/09/2019)

Cr1.A.No.601 of 2019

NRJK (CO)
SP (27/09/2019)



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