

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.Nos.793 to 796 and 798 & 799 of 2018

Kumar @ Sivakumar

... Appellant in Crl.A.No.793/2018 (Accused No.4)

1.Shankar

2.Arulsenthil

3.Thangadurai

4.Chandrasekaran

... Appellant in Crl.A.No. 794/2018
(Accused Nos. 4, 5, 7 & 12)

Selvakumar

... Appellant in Crl.A.No.795/2018
(Accused No.6)

Giridhar

... Appellant in Crl.A.796/2018
(Accused No. 15)

Suresh

... Appellant in Crl.A.798/2018
(Accused No.16)

Prabhu

... Appellant in Crl.A.No. 799/2018
(Accused No.14)

vs.

State rep. by

The Additional Superintendent of Police,

Special Investigation Division,

CBCID, Namakkal,

(Crime No.2/2018)

... Respondent in all the Appeals

Prayer in Crl.A.No. 793 to 796 and Crl.A.No. 798 & 799/2018

Criminal Appeal filed under Section 14(A) (2) Sc/ST Act 1989 against the Dismissal of bail petitions filed by them before the Principal Sessions Judge, Namakkal, Namakkal District in Crl.Mp.No. 1361/2018, 1359/2018, 1360/2018, 1362/2018, 1363/18, 1358/2018, dated 30.10.2018 respectively and enlarge

the appellants on bail in SC. 78/2016.

For Appellant : Mr.R.Gandhi, Senior Counsel for
Mr.R.Dhanasekar

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

JUDGMENT

The above criminal appeals have been filed against the order of dismissal of petitions seeking bail made by the learned Principal Sessions Judge, Nammakal, filed by the appellants/accused in Cr.No.2 of 2018.

2 The respondent police registered case against the appellants and others for the offence punishable under Sections 120(b), 364, 34 r/w.109, 384, 465, 471, r/w.468, 302, 201, 212, 216 r/w.3(2)(V) of SC St Act. Pending investigation, the appellants moved petition for bail and the same was also allowed. Subsequently, the same was cancelled at the instance of the respondent police, since the appellants acted against the law. Therefore the appellants once again approached the trial Court seeking bail, the trial Court, after adverting to the materials placed on record and after hearing both the parties, thought it fit to dismiss the petitions seeking bail and by order dated 30.10.2018 dismissed the same, against which, the accused have preferred the present criminal appeals.

3 According to the learned Senior Counsel appearing for the appellants, the trial Court has given a finding against A1 only, but refused to grant bail to these appellants, which is improper. The appellants were not furnished with any papers and translated version of the copies were also not furnished, which disable them to argue the matter on merits. Hence the orders impugned in all the appeals are liable to be set aside and the appellants are entitled for grant of bail.

4 The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the appellants along with A1, had acted against law and threatened the presiding officer and hence prosecution approached the Hon'ble Supreme Court against the order of bail granted to A1 and the Hon'ble Supreme Court after considering the nature of offence committed by A1, had allowed the same and directed the trial Court to expedite the trial and complete the same within 18 months. Most of the witnesses have been examined and the trial will be completed in the month of April. Further, one of the accused had absconded and the prosecution could not catch him and hence the

case against him was splited. Therefore, the present criminal appeals deserves to be dismissed.

5 Heard the learned Senior Counsel appearing for the appellants and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the records carefully.

6 It is seen that the appellants were charged for the offence punishable under Sections 120(b), 364, 34 r/w.109, 384, 465, 471, r/w.468, 302, 201, 212, 216 r/w.3(2)(V) of SC St Act. The accused moved petition for bail and the same was also granted, but subsequently cancelled for the reasons stated supra. The Hon'ble Supreme Court, while cancelling the bail granted to A1, had directed the trial court to expedite the trial and complete the same within a period of 18 months and time for completing the trial comes to an end in the Month of April 2019. The learned Government Advocate has stated that almost all the witnesses have been examined and few witnesses are to be examined. Further, already one of the accused was absconding and based on the application submitted by the prosecution the said accused was declared as proclaimed offender/ accused. This Court is in agreement with the submissions made on behalf of the prosecution. Further the appellants have engaged a counsel before the Court below and hence non furnishing of papers is not a ground to release them on bail.

7 In view of the above, this Court is not inclined to entertain these appeals filed against dismissal of bail petitions. This Court finds no merit and substance in the present criminal appeals. Further the trial Court is directed to complete the trial within the time as stipulated by the Hon'ble Supreme Court.

8 In the result, all the criminal appeals are dismissed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar

Cgi

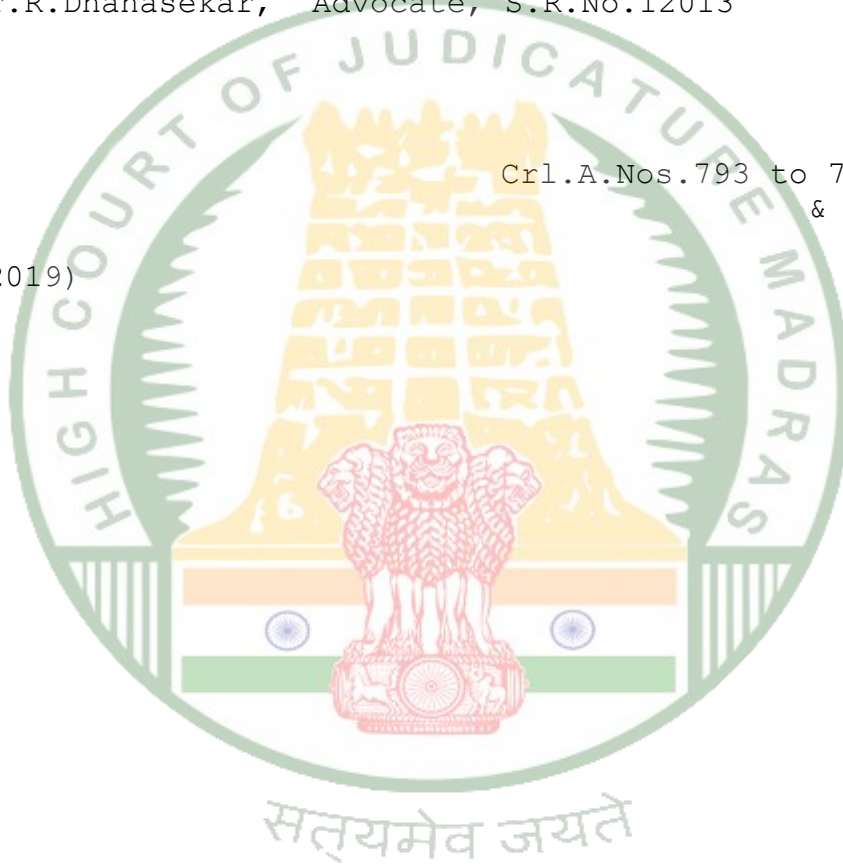
To

1. The Principal Sessions Judge, Namakkal,
Namakkal District
2. The Public Prosecutor,
Madras High Court.
3. The Additional Superintendent of Police,
Special Investigation Division,
CBCID, Namakkal.

+6cc to Mr.R.Dhanasekar, Advocate, S.R.No.12013

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& 799 of 2018

SV (CO)
GN(23/03/2019)



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