

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.865 of 2018

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...Appellant/Petitioner/Accused No.5

-Vs-

1. The State represented by
Station House Officer,
Villianur Police Station,
Puducherry.
Crime No.185 of 2018.

... Respondent/Respondent/Complainant

2. K.Innarasan ...Respondent/Respondent/Defacto Complainant

This Criminal Appeal has filed under Section 14(A)(2) of SC/ST Act 1989, praying to set aside the order passed by the learned II Additional Sessions Judge (Special Judge), Puducherry, in Crl.M.P.No.260 of 2018 dated 21.12.2018 and enlarge the appellant on bail in Cr.No.185 of 2018 on the file of the Inspector of Police, Villianur Police Station, Puducherry.

For Appellant : Mr.Swami Subramanian
For Respondents : Mr.V.Balamurugan
Government Advocate (Crl.Side)
Puducherry - R1
Ms.K.Nithyashree - No appearance - R2

O R D E R

The present Criminal Appeal has been filed to set aside the order passed by the learned II Additional Sessions Judge (Special Judge), Puducherry, in Crl.M.P.No.260 of 2018 dated 21.12.2018 and to enlarge the appellant on bail in Cr.No.185 of 2018, on the file of the Inspector of Police, Villianur Police Station, Puducherry.

2. The appellant was charged for the offence under Sections 147, 148, 341, 302, 120(B), 212 of IPC read with Section 149 of IPC and Section 3(2)(v) of SC/ST Prevention of Atrocity Act, 1989.

3. The respondent police, after investigation, has filed charge sheet against the appellant. The appellant was arrested on 17.07.2018 and remanded to judicial custody, till date he is in jail. Therefore, the appellant has filed a petition in CrI.M.P.No.260 of 2018, before the learned II Additional Sessions Judge (Special Judge), Puducherry, praying to enlarge him on bail. The learned Judge has passed a detailed order on merits, dismissing the petition.

4. Challenging the said order, the present Criminal Appeal has been filed.

5. When this appeal was taken up for hearing, the learned counsel for the appellant would submit that charge sheet has been filed and hence the appellant could be enlarged on bail.

6. The learned Government Advocate(Crl. side) has strongly opposed the appeal and justified the order passed by the trial Court.

7. The major offence attributed against the appellant under Section 302 IPC and the appellant has also made out the offence under Section 3(2)(v) of SC/ST Prevention of Atrocity Act,1989. That being the factual position, the case of the appellant for bail, cannot be treated as ordinary bail application.

8. The learned Judge has observed in the order that there is a possibilities of tampering the witnesses by the appellant as such this Court does not find any reason to entertain this appeal. Hence, the order of the lower Court does not suffer any infirmity or illegality warranting interference.

9. In the result, the Criminal Appeal is dismissed as not maintainable.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1.The II Additional Sessions Judge (Special Judge),
Puducherry.

2.The Station House Officer,
Villianur Police Station,
Puducherry.

3. The Public Prosecutor,
High Court of Madras.

Copy To

The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to Mr.Swami Subramanian, Advocate, S.R.No.12216

+1cc to Mr.K.Nithya Shree, Advocate, S.R.No. 12907

+1cc to The Public Prosecutor, S.R.No. 12535

Cr1.A.No.865 of 2018

VBA(CO)
GN(11/03/2019)