



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	26.03.2019
Date of Judgment	25.06.2019

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THE HONOURABLE MRS. JUSTICE T. KRISHNAVALLICrl.A(MD)No.91 of 2019

1. J.Suman
2. Arun @ Arunkumar
3. Chandrakumar

: Appellants/A1 to A3

Vs.

1. State rep.by
The Deputy Superintendent of Police,
Manamadurai Sub Division,
In Pazhayanoor Police Station,
Manamadurai Taluk,
Sivagangai District.
 2. The Inspector of Police,
Pazhayanoor Police Station,
Manamadurai Taluk,
Sivagangai District.
 3. Maheswaran
 4. Malaisamy
 5. Dhanasekaran
 6. Sugumaran
 7. Deivendran
- (R4 to R7 were added
as per the order, dated
20.03.2019 made in
Crl.MP(MD)No.2579 of 2019)

: R1 & R2/Complainants

: 3rd Respondent/De-facto
complainant

: R4 to R7/Victims

Prayer: Criminal Appeal has been filed under Section 14A(2) of SC/ST (Prevention of Atrocities Amendment Act) 2015 r/w under Section 439 of Criminal Procedure Code, against the order, dated 02.03.2019 passed in Crl.M.P.No.1119 of 2019 in the case of Spl. Sessions Case No.65 of 2018 in connection with a case in Crime No.32 of 2018 on the file of the Sessions Judge/Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai.



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For Appellant	: Mr.N.Anantha Padmanabhan for M/s.APN Law Associates
For R1 and R2	: Mr.A.Robinson Government Advocate (Criminal side)
For R3	: Mr.G.Bhagavath Singh
For R4 to R7	: No appearance

JUDGMENT

This Criminal Appeal has been filed against the order, dated 02.03.2019 passed in CrI.M.P.No.1119 of 2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai.

2.The Appellants/A1 to A3, who was arrested and remanded to judicial custody on 29.05.2018 in connection with a case in Crime No.32 of 2018 for the alleged offences under Sections 147, 149, 294(b), 324, 307 and 302 IPC and Section 3 of TNPPDL Act and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act 2015, seek appeal bail.

3.The learned counsel appearing for the appellants submitted that the appellants are innocent persons and they have been falsely implicated in this case and they have nothing to do with the alleged occurrence and that the appellants are in jail for more than 270 days.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail applications filed by the appellants were dismissed and in this case, three persons belong to Schedule community were brutally murdered and five persons were severely injured and houses of the schedule caste people were damaged and there is also life threat for victims and witnesses

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

6.It seen from the records that the appellants along with the other accused brutally murdered three persons belonging to schedule community and five persons were severely injured and houses of the scheduled caste people were damaged and because of the brutal attack against the scheduled community people, police personnels were deployed in and around the crime spot to prevent untoward incidents. It is also seen that after the occurrence, one of the victim filed a petition seeking police protection and on the very next day of filing the police protection petition, the services rendered. Further, SLP is pending before the Hon'ble Apex Court.



7. In view of the above circumstances, this court is of the considered view that if the appellants are released on bail, certainly, their presence will cause apprehension in the minds of the victim as well as the witnesses.

8. Accordingly, the Criminal Appeal is **dismissed**.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Sessions Judge/
Special Court for Exclusive trial
under SC/ST (POA) Act, 1989,
Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Manamadurai Taluk,
Sivagangai District.
3. The Inspector of Police,
Palayanoor Police Station,
Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC to Mr.G.Bhagavath Singh, Advocate in SR.No.71363

Cr1.A(MD)No.91 of 2019

24.06.2019

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