

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

CRL.A. No.238 of 2020

Sivaraman @ Sivaramakrishnan

S/o. Muthaiyan

No.7, Pillayar Kovil Street,

Sagadapet,

Puducherry - 605 501. ... Appellant / 5th Accused

Vs.

1. The Superintendent of Police,

CID, CID Complex,

Beach Road,

Puducherry.

2. The State represented by

S.H.O., Thirubuvani, P.S.,

Investigation by CBCID, P.S.,

Puducherry.

Crime No.40 of 2017. ... 1st and 2nd Respondents

3. Gnanasegaran

S/o.Muthupillai,

Assistant Manager of EASUN MR,

Transformer Switch Company,

No.2, VTC Nagar,

Periyapet,

Thirubuvanai,

Puducherry. ... 3rd respondent / Defacto complainant

PRAYER: Criminal Appeal filed under Section 14-A(2) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 to set aside the order passed by the learned 2nd Additional District and Sessions Judge Court, Puducherry in Cr. M.P. No.2 of 2020 in Spl. S.C. No.19 of 2018, dated 13.05.2020 and to allow the above Criminal Appeal by enlarging the Appellant on bail.

For Appellant : Mr.V.L. Nehru

For Respondents: Ms.Annamma,
Government Advocate (Crl.Side)
(Pondicherry)
for R1 & R2

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned II Additional District and Sessions Judge Court, Puducherry in Cr. M.P. No.2 of 2020 in Spl. S.C. No.19 of 2018, dated 13.05.2020 and to enlarge the appellant on bail.

2. The case of the prosecution is that the appellant had a criminal conspiracy with co-accused to murder one Velazhagan (who is the member of Scheduled Caste). Due to some labour contract conflict, A1 and A2 trespassed into the land of Velazhagan and murdered him by using country made bombs. Accordingly, the appellant was arrested and remanded to judicial custody on 25.04.2017 and thereafter, he was released on bail. Further on 30.08.2018, the appellant could not be able to appear and his counsel filed the dispense with petition under Section 317 Cr.P.C., which was dismissed by the Trial Court. Therefore, NBW was issued and in the meantime, the appellant was surrendered for another case. On 11.02.2019, under P.T. Warrant the appellant was remanded to judicial custody.

3. The learned counsel for the appellant submits that the appellant is in judicial custody for the past 16 months. Moreover, trial has been commenced and ten witnesses were examined and the appellant was falsely implicated in this case. Hence, he prays for bail to the appellant.

4. The learned Special Public Prosecutor appearing for respondents 1 and 2 would submit that the offences registered against the appellant are heinous in nature. Due to non appearance of the appellant before the Trial Court, the Trial has been stopped. In the mean time, he committed another offence and PT warrant was also issued. Moreover, he is a history sheeter. Due to the pandemic situation of Covid 19, the trial is under progress. At this situation, if the appellant is released on bail, it may lead to stone wall the trial proceedings. Hence, she vehemently oppose to grant bail to the appellant.

5. Considering the facts and circumstances of the case and also the submissions made by the learned Special Public Prosecutor appearing for respondents, it is seen that the offences made against the appellant are severe in nature. Moreover, non appearance of the appellant before the trial Court and his involvement in another case are also taken note of. Therefore, this Court is not inclined to grant bail to the appellant and hence, the criminal appeal stands dismissed.

Sd/-

Assistant Registrar

//True copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

vsi2

To

1. The II Additional District and Sessions Judge,
Puducherry.

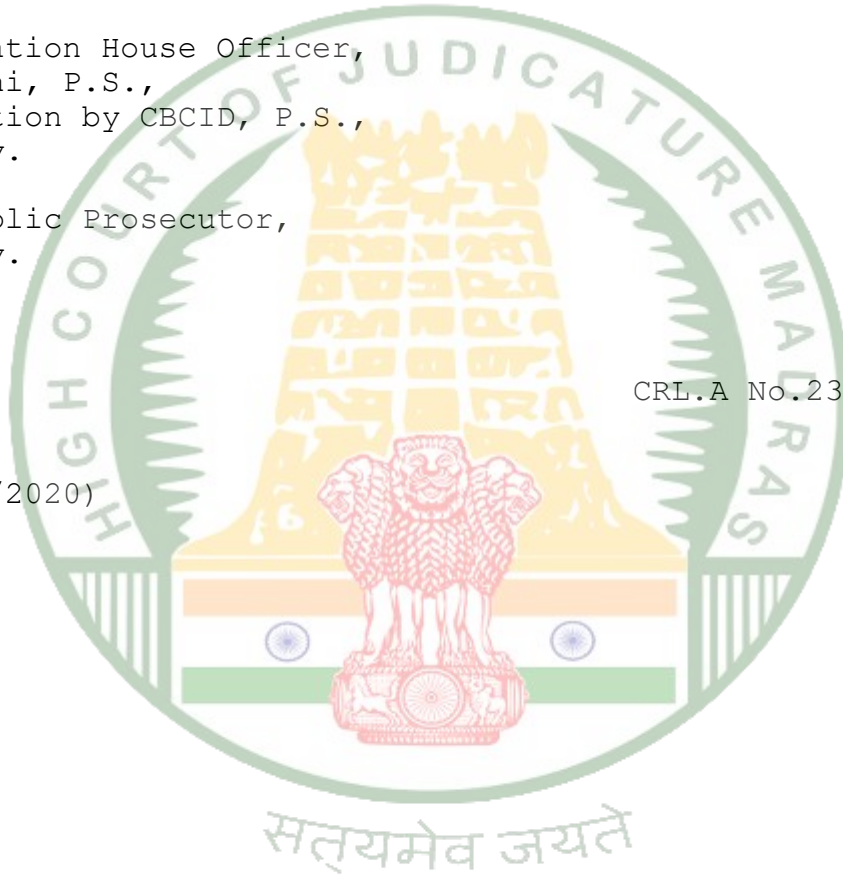
2. The Superintendent of Police,
CID, CID Complex,
Beach Road,
Puducherry.

3. The Station House Officer,
Thirubuvani, P.S.,
Investigation by CBCID, P.S.,
Puducherry.

4. The Public Prosecutor,
Puducherry.

CRL.A No.238 of 2020

SSV(CO)
GMY (27/07/2020)



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