

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Crl.A. Nos.250,254,259,261,262,263 and 270 of 2020

Crl.A. No.250 of 2020:

1 Tamilmani
2 Thangaraj
3 Gopal
4 Naveenkumar
5 Ramakrishnan

Appellants

vs.

1 State represented by its
Inspector of Police
Omalar Police Station
Salem District
(Cr. No.886 of 2020)

2 Naveenkumar

Respondents

Crl.A. No.254 of 2020:

Arulkumar

Appellant

vs.

1 State represented by its
Inspector of Police
Omalar Police Station
Salem District
(Cr. No.886 of 2020)

2 Naveenkumar

Respondents

Crl.A. No.259 of 2020:

1 Karthick
2 Harivasan

Appellants

vs.

1 The Deputy Superintendent of Police
Omalar Salem
Salem District
2 The Inspector of Police
Omalar Police Station
Salem District

(Cr. No.886 of 2020)
3 Naveenkumar Respondents

Crl.A. No.261 of 2020:

Senthilkumar Appellant
vs.

1 The Deputy Superintendent of Police
Omalur, Salem
Salem District

2 The Inspector of Police
Omalur Police Station
Salem District
(Cr. No.886 of 2020)

3 Naveenkumar Respondents

Crl.A. No.262 of 2020:
Prasanth

vs.

Appellant

1 The Deputy Superintendent of Police
Omalur, Salem
Salem District

2 The Inspector of Police
Omalur Police Station
Salem District
(Cr. No.886 of 2020)

3 Naveenkumar Respondents

Crl.A. No.263 of 2020:
Shanmugam

Appellant

vs.

1 The Deputy Superintendent of Police
Omalur, Salem
Salem District

2 The Inspector of Police
Omalur Police Station
Salem District
(Cr. No.886 of 2020)

3 Naveenkumar Respondents

Crl.A. No.270 of 2020:
Sivakumar

Appellant

vs.

1 The Deputy Superintendent of Police
Omalar, Salem
Salem District

2 The Inspector of Police
Omalar Police Station
Salem District
(Cr. No.886 of 2020)

3 Naveenkumar

Respondents

Crl.A. No.250 of 2020:

Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, read with Section 374(3) Cr.P.C. to set aside the order dated 08.06.2020 passed in C.M.P. No.1736 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellants on bail in Cr. No.886 of 2020 on the file of the respondent police.
Crl.A. No.254 of 2020:

Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, read with Section 374(3) Cr.P.C. to set aside the order dated 12.06.2020 passed in C.M.P. No.1804 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellant on bail in Cr. No.886 of 2020 on the file of the respondent police.
Crl. A. No.259 of 2020:

Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to set aside the order dated 28.05.2020 passed in C.M.P. No.1584 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellants on bail in Cr. No.886 of 2020 on the file of the respondent police.

Crl. A. No.261 of 2020:

Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 28.05.2020 passed in C.M.P. No.1574 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellant on bail in Cr. No.886 of 2020 on the file of the respondent police.

Crl. A. No.262 of 2020:

Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 28.05.2020 passed in Crl.M.P. No.1585 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellant on bail in Cr. No.886 of 2020 on the file of the respondent police.

Crl. A. No.263 of 2020:

Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 28.05.2020 passed in Crl.M.P. No.1593 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellant on bail in Cr. No.886 of 2020 on the file of the respondent police.

Crl. A. No.270 of 2020:

Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order dated 15.06.2020 passed in C.M.P. No.1826 of 2020 on the file of the Principal Sessions Court, Salem and enlarge the appellant on bail in Cr. No.886 of 2020 on the file of the respondent police.

For appellants in Crl.A. Nos.250,254 & 270 of 2020	Mr. C. Prabakaran
For appellants in Crl.A. Nos.261 to 263 of 2020	Mr. T. Ganesan
For appellants in Crl.A. No.259 of 2020	Mr. V. Elangovan
For State in all the appeals	Mr. K. Madhan Govt. Adv.(Crl. Side)
For R2 in Crl.A.No.250 of 2020 &	Mrs. S. Deepika
For R3 in Crl.A. No.261 of 2020	
FOR R3 in Crl.A 270 of 2020, 262 and 263 of 2020	No Appearance
For R2 in Crl.A 259 of 2020	No Appearance

COMMON JUDGMENT

These criminal appeals have been preferred calling into question the legality and validity of the orders passed by the Special Court for SC/ST Act Cases, Salem, dismissing the bail applications of the appellants herein in the case in

Omalur P.S. Cr. No.886 of 2020 that was registered on 09.05.2020 for the offences under Sections 147,148, 294(b), 324, 341, 307,506(II) and 302 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2 Inasmuch as all the instant criminal appeals emanate from one and the same crime number, viz., Omalur P.S. Cr.No.886 of 2020, Salem, they are considered and decided by this common judgment.

3 Heard Mr. C. Prabakaran, learned counsel for the appellants in Crl.A. Nos.250,254 and 270 of 2020, Mr. T. Ganesan, learned counsel for the appellants in Crl. A. Nos.261 to 263 of 2020, Mr. V. Elangovan, learned counsel for the appellants in Crl.A. No.259 of 2020, Mr.K.Madhan, learned Government Advocate (Crl. Side) appearing for the respondent State and Mrs. S. Deepika, learned counsel for the de facto complainant.

4 The de facto complainant in this case is one Naveen Kumar, who, in his complaint, has stated that on 08.05.2020, around 08.30 p.m., while he and his family members, including his brother Vishnu Priyan, were having their meals, a mob of upper caste men led by Senthil Kumar (A.1) barged into their house and started attacking them indiscriminately with deadly weapons, resulting in serious injuries to all of them. In the melee, the de facto complainant's brother Vishnu Priyan lost his life.

5 The learned counsel for the appellants contended that the de facto complainant had suppressed the genesis of the case, inasmuch as, a member of the accused caste was tied to a tree and was beaten by the members of the de facto complainant caste and that had triggered a clash between the two groups. He further contended that the clash was an outcome of a quarrel that ensued in the elections and the same was political in nature, which has been given a communal colour. The learned counsel also contended that the de facto complainant had named in his complaint, only 11 persons and their overt acts, but, persons whose names did not figure in the FIR have been arrested on the sole ground that they are caste Hindus.

6 Refuting the contentions put forth by the learned counsel for the appellants, the learned Government Advocate (Crl. Side) and the learned counsel for the de facto complainant submitted that no such incident, as alleged by the learned counsel for the appellants, took place and that the de facto complainant and the deceased were having their

meals in their house when a violent group of caste Hindus led by Senthil Kumar (A.1) barged into their house and started ransacking the house and attacking the inmates of the house with deadly weapons.

7 This Court carefully perused the FIR. In his complaint, the de facto complainant has clearly stated that his brother Vishnu Priyan had got married on 06.03.2020 to Deepasri and was living with her in Chennai, where, he was employed; due to the COVID-19 lockdown, his brother and his sister-in-law had come to the native village and on the fateful day, when all of them were having dinner, a group led by Senthil Kumar (A.1) forcibly barged into their house and attacked them saying that they cannot challenge the upper caste men. In the complaint, he has graphically stated the weapons carried by each of the named accused and the attack mounted by each of them. As regards those persons not named in the FIR, he has clearly stated that he knows them by their appearance, but, does not know their names and that they were carrying dandas with which they joined in the attack mounted on his brother Vishnu Priyan; when he and his mother intervened, they were also indiscriminately assaulted; he (de facto complainant) sustained serious injuries and he was admitted in the hospital and the police recorded his statement in the Manipal Hospital.

8 The learned Government Advocate (Crl. Side) submitted that some more accused have to be arrested in this case.

9 Taking into consideration the nature of the attack mounted by the appellants against unarmed persons, this Court holds that this is not a fit case to release the appellants on bail.

As a sequitur, confirming the impugned orders of dismissal of bail applications passed by the Principal District Judge, Salem, the instant criminal appeals stand dismissed. However, it is always open to the appellants to file fresh bail applications before the trial Court after a reasonable period of time.

Sd/-

Assistant Registrar(CS III)MDU

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Sub Assistant Registrar

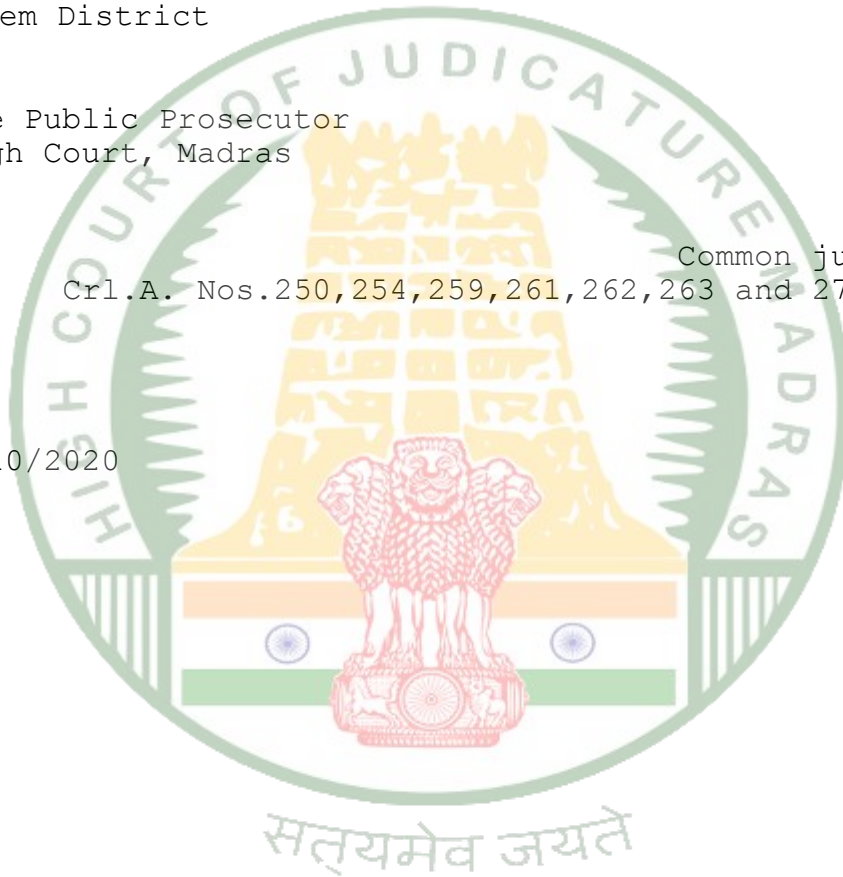
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To

- 1 The Principal Sessions Judge
Salem
- 2 The Deputy Superintendent of Police
Omalur
Salem
Salem District
- 3 The Inspector of Police
Omalur Police Station
Salem District
- 4 The Public Prosecutor
High Court, Madras

Common judgment in
Crl.A. Nos.250,254,259,261,262,263 and 270 of 2020

KS (CO)
KKV/07/10/2020



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