

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.09.2020

PRONOUNCED ON : 15.09.2020

CORAM:

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

Crl.A.No.337 of 2020

K. Vinothkumar

Petitioner

vs.

1 State represented by
the Deputy Superintendent
Periyanayakanpalayam
Coimbatore District

2 State represented by
the Inspector of Police
Mettupalayam Police Station
Coimbatore District
(Cr. No.270 of 2019)

3 Amutha

Respondents

Criminal Appeal filed under 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention) of Atrocities Act, 1989, seeking to set aside the order dated 25.06.2020 passed by the Principal District and Sessions Judge, Coimbatore in Crl.M.P. No.1683 of 2020 and enlarge the appellant on bail in Cr. No.270 of 2019.

For appellant

Mr.R. Sasikumar

For RR 1 & 2

Mrs.P. Kritika Kamal

Government Advocate

(Crl.Side)

For R3

Mr. Balaji for Dr. Suresh

JUDGMENT

This case was taken up through video conferencing.

2 It is the case of the prosecution that the appellant is a caste Hindu and his younger brother Kanakaraj fell in love with Varshini Priya, a Dalit girl and got married to her in the year 2018; not happy with the said marriage, the appellant and his friends brutally attacked Kanakaraj and Varshini Priya on 25.06.2019 and caused their death.

3 The appellant filed a bail application in Crl.M.P. No.1683 of 2020 in the Special Court for SC/ST Act Cases, Coimbatore, which has been dismissed on 25.06.2020, aggrieved

4 Heard Mr. Sasikumar, learned counsel for the appellant, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for respondents 1 and 2 and Mr. Balaji, learned counsel representing Dr. Suresh, learned counsel on record for the third respondent.

5 Mr. Sasikumar submitted that the appellant has been in custody since 26.06.2019 and that he can defend himself in the trial only if he is released on bail.

6 It is seen that charge sheet has been filed in this case in Spl.C.C. No.25 of 2009 against the appellant and four others for the offences under Sections 302 (2 counts) and Section 109 read with Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7 Though the co-accused have been granted bail, this Court is not inclined to grant bail to the appellant, because, it is a case of honour killing and if the appellant is released on bail, the witnesses, who are mostly from the Dalit community, would be intimidated and prevented from giving evidence in the trial.

As a sequel, this criminal appeal fails and is accordingly dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Principal District and Sessions Judge
(Spl. Court for SC/ST Act Cases)
Coimbatore
- 2 The Deputy Superintendent of Police
Periyayanayakanpalayam
Coimbatore District
- 3 The Inspector of Police
Mettupalayam Police Station
Coimbatore District
- 4 The Public Prosecutor
Madras High Court
Chennai

Crl.A. No.337 of 2020

AJS (CO)