

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

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

CRL.A.NO.357 OF 2020

1.G.Rajesh

2.M.Ravikumar

3.R.Ayyappan

4.D.Kalanithi

5.S.Saravanan

6.M.Muthukumar

... Appellants

Vs.

1. The Deputy Superintendent of Police
Thiruvallur,
Thiruvallur District.

2. State by
The Inspector of Police,
T11- Thiruninravur Police Station,
Tiruvallur District.
(Crime No.554 of 2020)

3. Ponrajaperumal

... Respondents

Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes Amendment Act, 2015 seeking to set aside the order passed by the learned Principal District and Sessions Judge, Tiruvallur in OLBP No.1472 of 2020 dated 24.08.2020 and enlarge the appellants on bail concerned in Crime No.554 of 2020 on the file of Inspector of Police, T11- Thiruninravur Police Station, Tiruvallur District.

For Appellants : Ms.Divya
for Mr.S.Manikandan

For Respondents: Mrs.P.Kritika Kamal
Government Advocate
(Crl. Side) [R1 & R2]

JUDGMENT

This case is taken up through video conferencing.

2. On the complaint lodged by the third respondent, the Police registered a case in Crime No.554 of 2020 on 14.07.2020 under Section 302 and 506(ii) IPC and during the course of investigation, arrested the appellants herein, on various dates. After the arrest, the case was altered to Sections 147, 148, 120B, 302, 506(i) IPC read with Section 3(1)(x) of ST/ST PoA Act, 1989. The bail application in OLBP No.1472 of 2020, that was filed by the appellants, has been dismissed by the Principal District and Sessions Judge, Tiruvallur, on 24.08.2020. Aggrieved by the same, the appellants have filed the present appeal.

3. Heard the learned counsel for the appellants and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.

4. The learned Government Advocate (Crl.Side) submitted that Rajesh, Ravikumar, Ayyappan and Kalanithi have been detained under Act 14 of 1982.

5. Learned counsel for the appellants submitted that, originally in the F.I.R., the provisions of SC&ST Act was not included and they were included only subsequently.

6. This Court carefully perused the F.I.R. A reading of the F.I.R. shows that the deceased Paramaguru was the president of Kosavanpalayam Panchayat. On the date of incident, while he was supervising the panchayat works, around 4.45 pm, Rajesh and his group came by motorcycle and attacked the deceased with deadly weapons in broad daylight and caused his death. It is true that at the time of registration of the F.I.R., the provisions of the SC&ST Act was not included but subsequently, it was found that the said provisions stood attracted and the deceased was a dalit.

7. Taking into consideration, the brutal and manner in which the attack has taken place in broad daylight, this is not a fit case to grant bail to the appellants.

8. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Superintendent of Police
Thiruvallur,
Thiruvallur District.
2. The Inspector of Police,
T11- Thiruninravur Police Station,
Tiruvallur District.
3. Principal District and Sessions Judge,
Tiruvallur.
4. The Superintendent of Prison,
Central Prison, Puzhal.
5. The Director General of Police,
Mylapore, Chennai-04.
6. The District Collector,
Thiruvallur.
7. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai.
8. The Public Prosecutor,
High Court, Madras.

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CrI.A.No.357 of 2020

AJS(CO)
CS/05/11/2020