



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.VELMURUGAN

Crl.A.(MD)No.158 of 2020

S.Sakthi Murugan .. Appellant/Petitioner/Sole Accused

Vs.

1. The State rep. by
The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.1st Respondent/Investigation Officer
2. The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
Crime No.49 of 2015 .. 2nd Respondent/Respondent/Complainant
- 3.Aathimoolam ... 3rd Respondent/Victim/Defacto Complainant

Prayer: This Criminal Appeal is filed under Section 14 A (1) of SC/ST (POA) Act 1989 as Amended by Act 1 of 2016 to call for the records pertaining to the order passed in Crl.M.P.No.216 of 2020 in Spl.S.C.No.17 of 2016 on the file of the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Sessions Judge (Full Additional Charge), Sivagangai dated 24.02.2020 and set aside the same as illegal and enlarge the appellant on bail by allowing this appeal.

For Appellant : Mr.A.Vadivel
For R1 and R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

JUDGMENT

The Criminal Appeal has been filed against the dismissal order passed in Crl.M.P.No.216 of 2020 in Spl.S.C.No.17 of 2016 on the file of the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Sessions Judge (Full Additional Charge), Sivagangai dated 24.02.2020.



2. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed before this Court.

3. The case was registered against the appellant for the offences under Section 294(b) IPC r/w Section 3(1)(r)(s) of SC/ST Act, 1989 in Crime No. 49 of 2015. After filing of charge sheet, the case has been numbered as Spl.S.C.No.17 of 2016 on the file of the Special Court for Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Sessions Judge(Full Additional Charge), Sivagangai. After framing of charges, trial commenced and during the pendency of the trial, the appellant did not appear before the trial court and due to non appearance of the appellant Non Bailable Warrant was issued on 18.04.2018 and the appellant was remanded on 21.09.2019. It is stated that except the Investigation Officer, all the witnesses were examined.

4. The learned counsel for the appellant submitted that the appellant has no bad antecedents and if he comes out on bail, he will not hamper any witnesses. He prays for grant of bail to the appellant.

5. The learned Additional Public Prosecutor appearing for the State would submit that if the appellant jumps out on bail, he would abscond and the trial court would not be in a position to complete the trial.

6. Considering the facts and circumstances of the case and serious nature of the offence and considering the facts that during the pendency of the trial, the appellant did not appear before the court and after issuance of Non Bailable Warrant, the appellant absconded for one year, I am not inclined to grant bail to the appellant.

7. In the result, this appeal is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
2. The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam,
Sivagangai District.
3. The Special Court for Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, 1989
and the Sessions Judge (Full Additional Charge),
Sivagangai.
4. The Superintendent,
Central Prison,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CM

TE : 22/04/2020 : 3P/6C

Crl.A. (MD) No.158 of 2020
20.04.2020