



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.260 of 2020

Sathis Kannan

...Appellant/Petitioner/
Accused Rank Not Known

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.1st Respondent/Investigation
Officer/Investigation Officer

2.The State rep by its,
The Inspector of Police,
Devi Pattinam Police Station,
Ramanathapuram District.
(Crime No.67 of 2020).2nd Respondent/Respondent/Complainant

3.Vairava Kesu

4.Kalyana Kumar3rd Respondent/Defacto Complainant

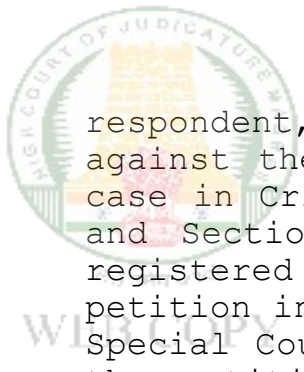
Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 as amended by Act, 1 of 2016, to call for the entire records relating to the impugned order dated 21.07.2020 made in Cr.M.P.No.420 of 2020 on the file of the learned Sessions Judge, Special Court of Trial of cases registered under SC/ST(POA) Act, 1989, Ramanathapuram and to set aside the same.

For Appellant : Mr.M.S.Jeyakarthish
For Respondents 1 and 2 : Mrs.Anandha Devi
Government Advocate (Criminal Side)
For Respondents 3 and 4 : No appearance

ORDER

This appeal has been filed to set aside the order in Cr.M.P.No.420 of 2020 dated 21.07.2020, on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and to enlarge the appellant on bail.

2.The case against the appellant is that due to previous enmity between the deceased and the third accused, on 21.03.2020 at about 22.30 hours, when the deceased Aravindhan was sitting as a pillion rider in the bike was rode by Kalyankumar, the fourth



respondent, the accused in a car came behind the bike and dashed against the two wheeler and caused the death of the deceased. The case in Crime No.67 of 2020 under Sections 147, 307 and 302 of IPC and Section 3(1)(r) of SC/ST (Prevention of Atrocities) Act was registered against the appellant. The appellant has filed a bail petition in Cr.M.P.No.420 of 2020 before the learned Sessions Judge, Special Court, Ramanathapuram. The learned Sessions Judge dismissed the petition. Against which, the appellant has preferred this criminal appeal.

3.On the side of the appellant, it is stated that the name of five accused were mentioned in the FIR. The name of the appellant was not found placed in the FIR. The appellant was arrested on 01.07.2020 and is in custody for the past 62 days. The alleged motive is only against the second accused. The capacity of the car is only to accommodate five persons whereas the case is registered against seven persons. Except A4, all other accused were granted bail. Investigation is almost over and prayed the appellant to be released on bail.

4.On the side of the prosecution, it is stated that the investigation is pending. The statement of witness under Section 161 (3) of Cr.P.C., is being recorded. The investigation is in process. The offence against the appellant is grave in nature. Totally eight accused were involved in the case and seven were arrested and six of them were enlarged on bail. A4 is still absconding. The appellant involved in three previous cases, one of the previous case is under Section 302 of IPC.

5.It is seen that the appellant is having previous cases. Out of which, one of the cases is under Section 302 of IPC. Considering the previous antecedent of the appellant and considering the grave nature of the offence and also considering that the investigation is pending, this Court is not inclined to grant bail to the appellant.

Hence, this Criminal Appeal is dismissed.

Sd/-

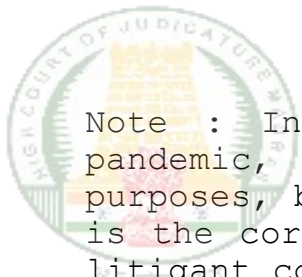
Assistant Registrar (CSI)

// True Copy //

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Sub Assistant Registrar(CS)

Mrn



Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 3.The Inspector of Police,
Devi Pattinam Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(10.09.2020) 3P 5C