



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)Nos.322, 330 and 349 of 2020

Crl.A.(MD)No.322 of 2020

Ajith ... Appellant/ Accused No.6

Vs.

1.The Deputy Superintendent of Police,
Karur Town, Karur District.

2.State rep. by

The Sub-Inspector of Police,
Karur Town Police Station,
Karur District.

(Crime No.1031 of 2020)

... Respondents1&2/Complainants

3.Sasmitha

... 3rd Respondent/
Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to set aside the order dated 15.10.2020 made in Crl.M.P.No.1467 of 2020 on the file of the learned Sessions Judge, Karur and enlarge the appellant on bail.

For Appellant

: Mrs.S.Prabha

For R- 1 and R-2

: Mr.S.Chandra Sekar

Additional Public Prosecutor

Crl.A.(MD)No.330 of 2020

Ramesh@kaviya Ramesh

... Appellant/ Accused

Vs.

1.The State rep. by

The Inspector of Police,
Karur Town Police Station,
Karur District.

(Crime No.1031 of 2020)

2. The Deputy Superintendent of Police,
Karur, Karur District.

... Respondents1&2/Complainants

3.Sasmitha

... 3rd Respondent/
Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to set aside the order dated 03.11.2020 passed in Crl.M.P.No.1540 of 2020 on the file of the learned Sessions Judge, Karur and enlarge the appellant on bail in connection with Crime



No.1031 of 2020, dated 18.09.2020 on the file of the respondent police, Karur and allow the Criminal Appeal.

For Appellant	: Mr.AN.Ramanathan
For R- 1 and R-2	: Mr.S.Chandra Sekar
	Additional Public Prosecutor

Crl.A.(MD)No.349 of 2020

R.Aravinth Kumar ... Appellant/ Accused No.9
Vs.

1. The Inspector of Police,
Karur Town Police Station,
Karur, Karur District.
(Crime No.1031 of 2020) ...1st Respondent / Complainant

2.Sasmitha ... 2nd Respondent/
Defacto complainant

3.The Deputy Superintendent of Police,DSP Office
Karur, Karur District. ... 3rd Respondent/
Investigating officer

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records in Crl.M.P.No.1518 of 2020, on the file of the Sessions Judge, Karur, dated 16.10.2020 and to set aside the same by granting bail to the appellant herein.

For Appellant	: Mr.R.Sundar
For R- 1 and R-3	: Mr.S.Chandra Sekar
	Additional Public Prosecutor

COMMON JUDGMENT

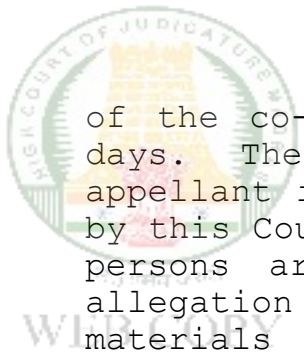
Heard the learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the respondent police.

2.These appeal have been filed against the order passed in in Crl.M.P.Nos.1467, 1540 and 1518 of 2020, on the file of the learned Sessions Judge, Karur, and enlarge the appellants on bail.

3. The case of the prosecution is that on 18.09.2020, due to previous motive, the appellants and others entered into the shop of the deceased and assaulted him with Aruval, fled away from the scene of occurrence. A case in Crime No.1031 of 2020 was registered against the appellant and others. The appellant filed a petition for bail, before the Special Court, and the same was dismissed by the Special Court. Against the same, the appellant filed this Appeal.

Crl.A.(MD)No.322 of 2020

4. On the side of the appellant, it is stated that the appellant was roped into the case only on the confession statement



of the co-accused. The appellant is in custody for the past 30 days. There is no previous antecedents against the appellant. The appellant is ready and willing to abide any condition to be imposed by this Court and prayed the appeal to be allowed. Similarly placed persons are already released by the Special Court. The only allegation against the appellant is conspiracy, there is no materials against the appellant and prayed the petitioner to be released on bail.

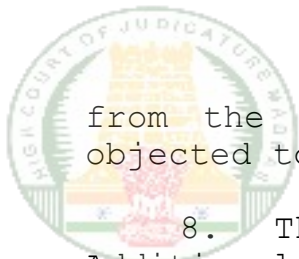
Crl.A.(MD)No.329 of 2020

5. On the side of the appellant, it is stated that the appellant was not present in the place of occurrence only name of four accused was mentioned in the F.I.R. Even, in the counter filed by the respondent, there is no allegation under the SC/ST Act, against this appellant. Even, in the counter filed by the respondent, there is no whisper about the proceedings under the Goondas Act and prayed the appellant to be released on bail.

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6. On the side of the appellant, it is stated that originally the FIR was registered for an alleged offence under Section 302 IPC @ Sections 302, 34, 102-B, 506 I.P.C. and subsequently, the charge was altered into Sections 302, 34, 120-B, 506(ii) IPC r/w. Section 3 (2)(r)(v) of SC/ST (POA) Act, amendment Act, 2016. There is no materials or overt act against this appellant. The appellant is in custody for the past 45 days and prayed the appellant to be released on bail.

7. On the side of the prosecution, it is stated that all the three appellants are detained under the Goondas Act and the copy of the order was produced on the side of the respondent. It is further stated that there are 12 accused involved in the commission of the offence. There was already dispute between A1 to A4 and the deceased. On the previous day of the occurrence, the fourth accused / Prem @ Premkumar, sustained injury, on his fore-head. Therefore, the appellants decided to murder the deceased and to execute the common intension, they conspired together and A1 to A4 came to the place of the occurrence, A1 and A2 brutally attacked the deceased in the presence of his wife and brother. A1 and A2 threatened the witnesses and escaped from the place of occurrence. A5 planned for the murder and assisted the accused and he keep watch on the scene of occurrence. A6 gave the weapon to A1. A7 arranged car for their escape. A9 arranged for A1 to A4 to abscond. Co-accused A8 is still absconding. The deceased was aged about 28 years, married just 8 months prior to the date of occurrence and now his wife is pregnant. The brutal murder took place in broad daylight, in a busy area and that too in the presence of the pregnant wife. The deceased belong to Scheduled Caste Community and there is a chance for conflict between the communities. Some important witnesses are yet to be examined. CCTV footage collected



from the place of occurrence are to be analyzed and hence, he objected to the release of the appellants on bail.

8. The third respondent /Sasmitha appeared before the Additional Public Prosecutor office and present through video conference, it is stated that there is a life threat for the third respondent. It is further stated that except A1 to A4, other accused keep watch at the scene of occurrence from out side. In the confession statement of the co-accused, the presence of all other accused and the involvement of all accused was admitted and prayed the appeals to be dismissed.

9. The offence is grievous in nature, it is a daylight murder. It is alleged that there is a life threat for the witnesses, who is the third respondent in the petition. It is stated that already proceedings under the Goondas Act was initiated against the appellants and they are detained under the Goondas Act. Investigation is still pending.

10. In the above circumstances, this Court is not inclined to release the appellants on bail. Hence, these Criminal Appeals are dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

1.The Sessions Judge,Karur.

2.The Deputy Superintendent of Police,
Karur Town, Karur District.

3.The Inspector of Police,
Karur Town Police Station, Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

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PK(CO)

KB(28.12.2020) 4P 6C