



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.324 of 2020

Kannan

.. Appellant

Vs.

1.The State rep.by

The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Dindigul District.
(Crime No.925/2020)

2.The Inspector of Police,

Ambilikkai Police Station,
Dindigul District.
(Crime No.925 of 2020)

3.Chandra

.. Respondents

Prayer : This criminal appeal filed under Section 14A(2) of SC/ST (POA) Act 1989, Amendment Act 1 of 2016, to call for the records relating to the order dated 23.10.2020 passed in Cr.M.P.No.276 of 2020 in Crime No.925 of 2020 on the file of the Special Court for Exclusively trial of cases under SC/ST (POA) Act, Sessions Judge, Dindigul and set aside the same as arbitrary and consequently to release the petitioner on bail in connection with the FIR in Crime No.925 of 2020 on the file of the respondent police.

For Appellant

: Mr.K.Anbu Selvan
for Ms.P.Krishnaveni

For Respondents 1 and 2

: Mr.S.Chandrasekar
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed to set aside the order dated 23.10.2020 passed in Cr.M.P.No.276 of 2020 in Crime No.925 of 2020 on the file of the Special Court for Exclusively trial of cases under SC/ST (POA) Act, Sessions Judge, Dindigul and enlarge the appellant on bail.

2. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor for the respondents 1 and 2.

3. The case against the appellant is that the son of the defacto complainant was found dead on 25.08.2020. On the complaint of the defacto complainant, a case was registered in Crime No.925 of 2020 under Section 302 I.P.C., subsequently, the same was altered into Section 302 IPC r/w. Section 3(2) (V) of SC/ST (POA) Amendment Act. The appellant is in custody from 26.08.2020. Hence, the appellant filed a bail petition before the Special Court for Exclusively trial cases under SC/ST (POA) Act, Sessions Judge,



Dindigul in Cr.M.P.No.276 of 2020 and the same was dismissed on 23.10.2020. Against the dismissal order, the appellant come forward with this Criminal Appeal.

4. On the side of the appellant, it is stated that the appellant is in custody from 26.08.2020 and a false case has been foisted against the appellant. There is no previous antecedents against the appellant. A2 in this case was already released on bail in CrI.M.P.No.1241/2020 by the Principal Sessions Judge, Dindigul and the appellant is ready to abide any condition to be imposed by this Court and prayed the Appeal to be allowed.

5. Since the third respondent refused to receive notice, notice was served by way of pasting the notice. Name printed, none appears for the third respondent. Mr.S.Chandrasekar, learned Additional Public Prosecutor, appears for the first and second respondents.

6. On the side of the respondents 1 and 2, it is stated that the investigation was over, charge sheet was filed and the same was taken on file as Special S.C.No.53/2020. A2 was released on bail by the Principal Sessions Judge, Dindigul, in CrI.M.P.No.1241/2020, without mentioning the offence under Section 3(2) (V) of SC/ST (POA) Amendment Act. The prosecution is taking steps for the cancellation of bail granted to A2. A2 has filed another bail petition before the Special Court in Cr.M.P.No.304/2020 and the same is pending, the bail proceedings against A2 is pending. The appellant herein/A1 is the prime accused in the case and prayed the appeal to be dismissed.

7. It is seen that A2 in the case obtained bail before the Principal Sessions Judge, Dindigul, for the offence under Section 302 I.P.C., in CrI.M.P.No.1241/2020, without mentioning the offence under the Special Act. It is seen that A2 has now approached the Special Court for bail in Cr.M.P.No.304/2020 and the same is pending. Considering the nature of the offence and considering the bail petition pending for A2 and considering the proposal for cancellation of the bail to be taken against A2 and also considering the fact that charge sheet was already filed, this Court is not inclined to allow this Appeal.

8. Hence, the Criminal Appeal is dismissed.

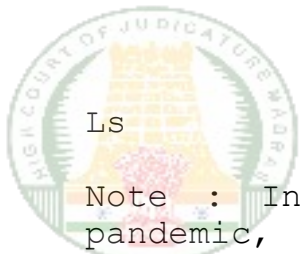
Sd/-

Assistant Registrar (CSIII)

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/ /2020

Sub Assistant Registrar(CS)



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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.

To

1.The Sessions Judge,
Special Court for Exclusively trial of cases under SC/ST(POA) Act,
Dindigul

2.The Principal Sessions Judge,
Dindigul,

3.The Deputy Superintendent of Police,
Oddanchatram Sub Division,
Dindigul District.

4.The Inspector of Police,
Ambilikkai Police Station,
Dindigul District.

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

Crl. A. (MD) No.324 of 2020
10.12.2020

SJ(CO)
KB(22.12.2020) 3P 6C