



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.362 of 2020

Akkammal

.. Appellant

Vs.

1.State rep. By,
The Deputy Superintendent of Police,
Periyakulam Range,
Theni District.

2.The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No.1712 of 2020)

3.Aravindan

.. Respondents

Prayer : This Criminal Appeal is filed under Section 14(A) (2) of the The Schedule Castes and Tribes Prevention of Atrocities Act, 1989, to call for the records pertaining to the order passed in Cr.M.P.No.389 of 2020 in Crime No.1712 of 2020 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni dated 26.11.2020 and to set aside the same as illegal.

For Appellant : Mr.K.Sivabalan

For Respondents

1 and 2 : Mr.S.Chandrasekar

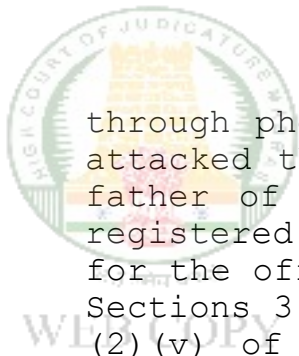
Additional Public Prosecutor

For 3rd Respondent : M/s.P.Kalaiarasi Bharathi

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.389 of 2020 in Crime No.1712 of 2020 dated 26.11.2020, on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

2.The case against the appellant is that there is a dispute between two group of people, belong to two different communities. On 14.11.2020 at about 18.30 hours, the complainant fired crackers infront of the appellant's shop. The appellant insulted the defacto complainant by mentioning his caste name and she called upon A2



through phone. A2 came to the spot with other accused and A2 to A7 attacked the defacto complainant and his father by bare hands. The father of the defacto complainant died on the spot. The case was registered against the appellant and others in Crime No.1712 of 2020 for the offence under Sections 147, 294(b), 323, 302, 109 of IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act and Section 3(2)(v) of SC/ST (POA) Act and the appellant was arrested by the respondent police. Subsequently, the appellant filed a bail petition in Cr.M.P.No.389 of 2020 before the Special Court for Trial of Cases under SC/ST (POA) Act, Theni. The learned Judge dismissed the petition. Against which, the appellant preferred the appeal before this Court.

3.On the side of the appellant, it is stated that there is no specific overt act against the appellant. No weapon was used by the accused. All the other accused were granted anticipatory bail. There is no external or internal injury on the body of the deceased. The appellant is in custody for the past 37 days and she is having four years old female child, which was left in the custody of the neighbors and prayed the petition to be allowed.

4.On the side of the respondents 1 and 2, it is stated that the appellant is running a petty shop and on the date of Diwali, the complainant fired crackers in front of the shop. The appellant who is the prime accused in the case, called the other accused to the spot and they attacked the defacto complainant and prayed the appeal to be dismissed.

5.On the side of the third respondent, it is stated that the appellant is the prime accused. she has instigated the other accused to commit offence and prayed the appeal to be dismissed.

6.It is seen that the offence is serious in nature. The appellant is in custody only for the past 37 days. Whereas the third respondent has lost the life of his father.

7.In the above circumstances, this Court is not inclined to grant bail to the appellant. Hence, this Criminal Appeal is dismissed and the order passed in Cr.M.P.No.389 of 2020 in Crime No.1712 of 2020 dated 26.11.2020, on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni is confirmed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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.

To

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

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VB (06.01.2021) 3P 5C