



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.12.2020

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.357 of 2020

Vivek ... Appellant/Petitioner/6th Accused
Vs.

1.The Deputy Superintendent of Police,
Palani Sub-Division,
Dindigul District. ...1st Respondent/Respondent/I.O

2.The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(In Crime No.441/2020) ...2nd Respondent/Respondent/
Complainant

4.Ananth ...3rd Respondent/Defacto Complainant

Prayer : This criminal appeal filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, to call for the records pertaining to the order dated 07.10.2020 made in Crl.M.P.No.236 of 2020 on the file of the Sessions Judge, Special Court for exclusively trial of Cases under SC/ST (POA) Act, Dindigul and to set aside the same and enlarge the appellant on bail in connection with Crime No.441 of 2020 on the file of the second respondent by allowing this Criminal Appeal.

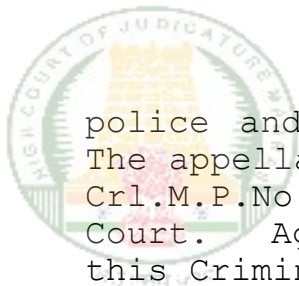
For Appellant : Mr.D.Venkatesh

For Respondents : Mr.S.Chandra Sekar,
Additional Public Prosecutor
for R1 and R2

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.236 of 2020 on the file of the Sessions Judge, Special Court for exclusively trial of Cases under SC/ST (POA) Act, Dindigul, dated 07.10.2020.

2.The case against the appellant is that the appellant and others way laid the deceased and the defacto complainant and assaulted the deceased and another with Aruval causing their death. A case in Crime No.441 of 2020 was registered by the respondent



police and the appellant and others were arrested by the police. The appellant filed a petition for bail before the Special Court, in Crl.M.P.No.236 of 2020. That petition was dismissed by the Special Court. Against the dismissal order, the appellant has preferred this Criminal Appeal.

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3. On the side of the appellant, it is stated that the co-accused / A5 in the case was already released on bail. There is no specific overt act against the appellant. The allegation against A5 and A6 are similar in nature. Since A5 was released on bail, the appellant has to be released on bail. The appellant is in custody for the past 160 days and prayed the appellant to be released on bail.

4. On the side of the respondent, it is stated that the appellant and others murdered two persons and the defacto complainant escaped from the fatal assault. The Special Court fixed the date for trial on 28.12.2020. Already A1 to A4 were detained under the Goondas Act. A5 was released by this Court only because he is a student. The offence is grievous in nature and prayed the appeal to be dismissed.

5. It is seen that co-accused/A5, in the case, was released on bail. A5 was released on bail, only because he is a college student and not on any other ground. The offence alleged is double murder, which is, serious in nature and the valuable life of two persons were taken away by the incident. The case was fixed for trial on 28.12.2020, the release of the appellant, may affect the trial.

6. In the above circumstances, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

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 Deputy Superintendent of Police,
Palani Sub-Division,
Dindigul District.

3.The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.

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

Crl. A.(MD)No.357 of 2020
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