

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.02.2021
CORAM
THE HONOURABLE MR. JUSTICE P.VELMURUGAN
CRL.A.No.49 of 2021

A.Arunachalam

.. Appellant

.Vs.

State by

1. The Deputy Superintendent of Police,
Tiruchengode Sub Division,
Tiruchengode, Namakkal District.
2. The Sub Inspector of Police,
Veppadai Police Station,
Veppadi, Komarapalayam Taluk,
Namakkal District.
(Crime No.233 of 2020)

3. Ragu

.. Respondents

Criminal Appeal filed under Section 14 (A) (2) of S.C/S.T. Act, 1989 of the Code of Criminal Procedure, against the dismissal of bail petition filed by the Appellant before the Sessions Judge, Special Court for S.C./ST (POA) Act, Namakkal, Namakkal District in Crl.M.P.No.171 of 2020 dated 21.01.2021.

For Appellant : Mr.S.Karthikeyan
for Mr.C.Prakasam
For Respondent : Mr.R.Suryaprakash
Government Advocate

J U D G M E N T

This Appeal has been filed against the dismissal of bail petition filed by the Appellant before the Sessions Judge, Special Court for S.C./ST (POA) Act, Namakkal, Namakkal District in Crl.M.P.No.171 of 2020 dated 21.01.2021.

2. The appellant is the accused. The respondent police registered a case against the appellant for the offences punishable under Sections 294 (b), 324, 435, 506 (ii) IPC and under Section 3 (1) (d), 3(2) (va) of S.C./S.T. Act 1989 in Crime No.233 of 2020. During investigation, the appellant was

arrested on 19.12.2020 and is in custody from 19.12.2020. He has filed bail application before the Sessions Judge, Spl. Court for S.C./S.T (POA) ACT, Namakkal, the designated Court after hearing both the parties, including the de-facto complainant dismissed the petition. Being aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the appellant would submit that totally a false case has been registered against the petitioner and the alleged occurrence had taken place under Special Act has been misused in this Case.

4. The learned Government Advocate (Crl.side) would submit that the appellant assaulted the victim, removed the dress of the de-facto complainant and set fire on her dress. He would further submit that the investigation is in preliminary stage and therefore seriously objected to enlarge the appellant on bail.

5. Heard both sides. Perused the materials available on record.

6. The investigation is in preliminary stage. There is specific over tact against the petitioner and as to whether it is false or not and whether the special act has been misused can be decided after filing of the charge sheet not and at this stage. Therefore, under these circumstances, considering the serious nature of offence and as we are living in 21 st century this type of attitude against one group and another group cannot be encouraged as there is possibility of communal clash. Therefore, the Court below has rightly dismissed the petition filed by the petitioner for bail and there is no perversity in the order passed by the court below.

7. In view of the same, there is no merit in the Appeal and the same is liable to be dismissed and accordingly dismissed at the stage of admission itself.

Sd/-

Asst.Registrar (CS I)

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Sub Asst. Registrar

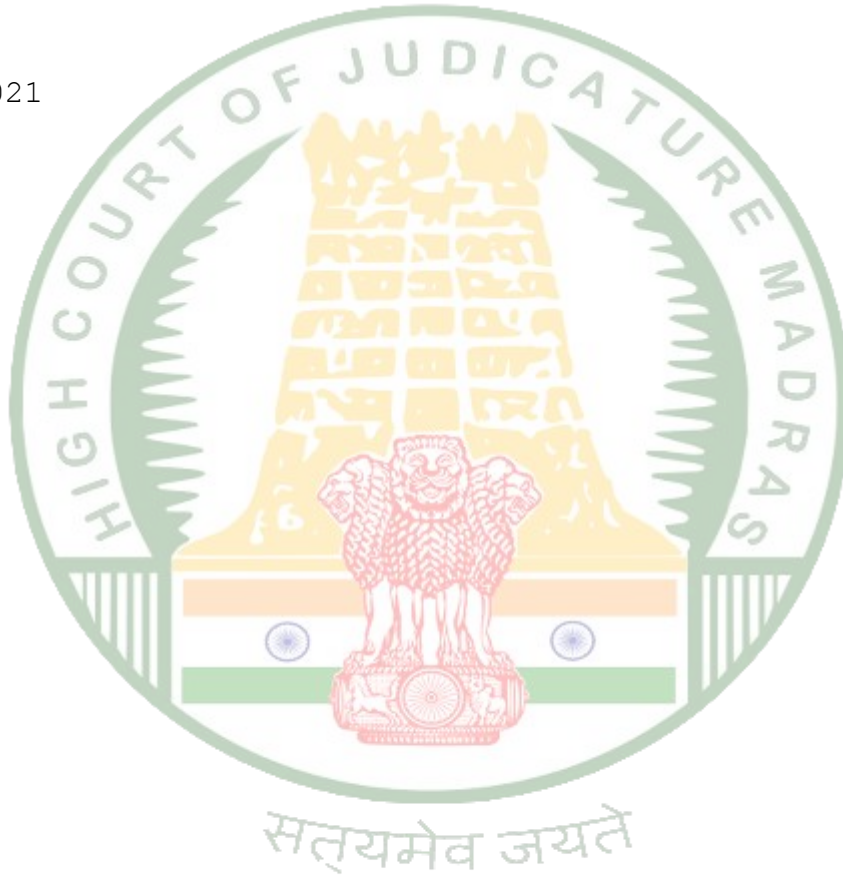
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To
The Sessions Judge,
Special Court for SC/ST(POA) Act,
Namakkal District
Namakkal

+1 cc to Mr.C.Prakasam Advocate sr6237

CRL.A.No.49 of 2021

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