

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.66 of 2021

Suresh @ Kakka Suresh

... Appellant/Accused

Versus

1.State represented by its
The Deputy Superintendent of Police,
Kanchipuram Taluk,
Kanchipuram District.

2.The Inspector of Police,
Kanchi Taluk Police Station,
Crime No.1417 of 2020,
Kancheepuram District. ...2nd Respondent/Complainant

3.S.Anbalagan ...3rd Respondent/Defacto Complainant

4.A.Ajithkumar ... 4th Respondent/Victim

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities Act 1989) seeking to set aside the order in Crl.M.P.No.4069/2020 on 22.12.2020 and enlarged on bail to the petitioner in Crime No.1417/2020 pending on the file of respondent police.

For Appellant : Mr.T.V.G.Kartheeban

For R1 & R2 : Mr.R.Suryaprakash
Government Advocate

O R D E R

This Criminal Appeal has been filed seeking to set aside the order in Crl.M.P.No.4069/2020 on 22.12.2020 and to enlarge the petitioner on bail in Crime No.1417/2020 pending on the file of respondent police

2.The respondent police registered the case in Crime No.1417 of 2020. During the investigation, based on the statement of co-accused, the appellant was implicated as one of the accused in the charge sheet. Therefore, the appellant filed

bail application before the designated Court and the same was dismissed stating the reason that the appellant has already been detained under Goondas Act. Therefore, the learned Magistrate dismissed the bail application. Challenging the same, he filed the present appeal.

3. The learned counsel for the appellant would submit that originally in the FIR, the appellant was not added as accused and his name was not found.

Subsequently based on the confession made by the co-accused, the appellant was implicated in this case. However, the charge sheet also filed and charge sheet taken on file in S.C.No.41 of 2021 before the designated Court. He further submitted that detention under Goondas Act was quashed by this Court.

4. The learned Government Advocate appearing for the respondents 1 & 2 would submit that the appellant has filed petition seeking bail before the Principal Sessions Judge, Kancheepuram at Chengalpattu and he can file fresh petition before the Sessions Judge, seeking bail.

5. Since the order impugned in this Criminal Appeal is against the dismissal of the bail petition filed by the petitioner, there is no impediment to the petitioner to file fresh petition before the Sessions Judge. Further, it is open to the petitioner to raise the subsequent events in the fresh bail petition and seek for bail. Hence, this Court is not inclined to grant the relief sought for. Accordingly, the Criminal Appeal stands dismissed with liberty to file fresh bail application before the Session Judge.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

mpa

To

1.The Sessions Judge,
Kancheepuram at Chengalpattu.

2.The Deputy Superintendent of Police,
Kanchipuram Taluk,
Kanchipuram District.

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3.The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

4.The Public Prosecutor,
High Court of Madras.

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