

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRL.A.No.135 of 2021

Chithirai Selvan

.. Appellant/Petitioner/
Accused A1

.Vs.

1. State represented by
The Superintendent of Police,
Tiruppur District.
2. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District,
Crime No.646 of 2019.

3. Manivel

.. Respondent/Respondents/
Complainant

Criminal Appeal filed under Section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act to set aside the order passed in Cr.M.P.No.437 of 2021 dated 09.03.2021 by the Principal Sessions Judge, Tiruppur and release the appellant on bail in Crime No.646 of 2019 on the file of the Inspector of Police, Dharapuram Police Station, Tiruppur District.

For Appellant	:	Mr.P.Kalimuthu
For Respondents	:	Ms.T.P.Savitha
		Government Advocate (Crl.Side)
		for R1 & R2

JUDGMENT

This Criminal Appeal has been filed against the order dated 9.3.2021 passed in Cr.M.P.No.437 of 2021 by the learned Principal Sessions Judge, Tiruppur and release the appellant on bail in Crime No.646 of 2019 on the file of the second respondent police.

2.The second respondent police registered a case in Crime No.646 of 2019 against the appellant for the offences punishable under Sections 294(b), 332, 506(ii) IPC and r/w Section 3(1)(r) of SC/ST (Prevention of Atrocities) Act, 1989 and the appellant/accused is in custody from 03.03.2021. Subsequently, the appellant filed a petition under Section 439 Cr.P.C seeking grant of bail and the same was dismissed on 09.03.2021 by the learned Principal Sessions Judge, Tiruppur. Challenging the said order, the appellant is before this Court.

3.The learned counsel for the appellant would submit that appellant had not committed any offence as alleged by the prosecution. He would further submit that except the offence under Section 3(1)(r) of SC/ST (Prevention of Atrocities) Act, 1989, all other offences are bailable offences and the appellant is in custody for more than twenty days. Therefore, he seeks grant of bail to the appellant.

4.The learned Government Advocate (Crl.Side) for the respondents 1 and 2 would submit that appellant was absconded for a long period of time and hence, a non-bailable warrant was issued on 23.02.2021 and the same was executed on 03.03.2021. She would further submit that the investigation has been completed and charge sheet filed and the case was taken on file in Spl.S.C.No.5 of 2020, which was pending for trial. Therefore, if the appellant is released on bail, he would abscond again and trial would be protracted and there is very possibility of tampering the witnesses. Hence, she vehemently objected to grant bail to the appellant.

5.Heard the learned counsel for the appellant and the learned Government Advocate (Crl.Side) for the respondents 1 and 2 and also perused the materials available on record.

6.Admittedly, the case was registered against the appellant for the offences under Sections 294(b), 332, 506(ii) IPC and r/w Section 3(1)(r) of SC/ST (Prevention of Atrocities) Act, 1989. Since the appellant was already on bail, he was absconded for a long period of time and that non-bailable warrant was issued on 23.02.2021 and now he was in custody. Subsequently, the case was taken on file as Spl.S.C.No.5 of 2020 and the same is pending for trial. As pointed out by the learned Government Advocate (Crl.Side) for the respondents 1 and 2, if the appellant is released on bail, there is a possibility of absconding and trial would be protracted and also very possibility of tampering the witnesses through his henchman.

7. In the light of the above facts and circumstances, this Court is not inclined to grant bail to the appellant. However,

the learned Principal Sessions Judge, Tiruppur is directed to frame charges against the appellant and fix the date for trial and proceed with the same in accordance with law on day to day basis.

8. With the above direction, this Criminal Appeal is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

MS

To

1. The Principal Sessions Judge,
Tiruppur.
2. The Superintendent,
Central Jail, Coimbatore.
3. The Superintendent of Police,
Tiruppur District.
4. The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
5. The Public Prosecutor,
High Court, Madras.
6. The Deputy Registrar | with a direction to send back the
(Criminal Section), | original records, if any, to the
High Court, Madras. | trial Court

CRL.A.No.135 of 2021

AAB(CO)
TE(19/04/2021)