



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.A.No.313 of 2021

R.Thangaraj

... Appellant/Petitioner

Vs.

1.The State,

Rep. by the Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Crime No.223 of 2019)

2.The Deputy Superintendent of Police,
Periyanaickenpalayam Sub Division,
Coimbatore District.

...Respondents 1 to 2

3.P.Sasikumar

... Respondent 3/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, to set aside the order passed in Crl.M.P.No.910 of 2021, dated 09.03.2021 by the learned Principal District and Sessions Judge, Coimbatore and consequently enlarge the appellant on bail in respect of Crime No.223 of 2019, on the file of the Deputy Superintendent of Police, Periyanaickenpalayam, Coimbatore.

For Appellant : Mr.S.B.Viswanathan

For Respondents: Mr.S.Sugendran
Government Advocate
(Criminal Side) for R1 and R2

J U D G M E N T

This Criminal Appeal has been filed to set aside the order passed in Crl.M.P.No.910 of 2021, on 09.03.2021 by the learned Principal District and Sessions Judge, Coimbatore and enlarge the appellant on bail.



2. The case of the prosecution is that on 29.07.2019 at about 14.00 hours, when the defacto complainant was in his house, he heard the noise of his neighbour Sujatha. When the defacto complainant had gone to that place and saw that her left hand was cut off and the appellant was standing in that place along with the Aruval in one hand and in another hand, he is holding the cut off hand of Sujatha.

3. The appellant is facing the trial under Sections 307, 448 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, and Section 3 (2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018. The appellant herein had filed a petition before the learned Principal District and Sessions Judge, Coimbatore, seeking bail and the learned Principal District and Sessions Judge, Coimbatore vide order dated 09.06.2021 in CrI.M.P.No.910 of 2021, dismissed the petition, as there is a specific overt act attributed against the appellant. Challenging the said order, the appellant is before this Court.

4. The learned counsel for the appellant would submit that the appellant is an innocent and he has been falsely implicated in this case and he is nothing to do with the said commission of offences as alleged by the prosecution. He would further submit that the appellant is in custody for more than 600 days and he is ready to abide by any conditions that may be imposed by this Court and prays for allowing the Appeal.

5. The learned Government Advocate (Criminal Side) would submit that there is a specif overt act attributed against the appellant and the appellant had severed the hand of the victim and at the time of occurrence, he was standing in the place along with the Aruval in one hand and in another hand he is holding the cut off hand of the victim. Hence, the respondent-Police has registered the case against the appellant for the offence under Sections 307, 448 of IPC and 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, and Section 3 (2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018. It is further submitted that now the charge sheet has been filed before the designated Court, viz., Principal District and Sessions Judge, Coimbatore and the same was taken on its file in S.C.No.29 of 2019 and the case is coming up for hearing for hearing on 28.06.2021.

6. Heard the learned counsel for the appellant and the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on record.

7. In the complaint and the F.I.R., there is a specific overt act attributed against the appellant. Considering the



serious nature of the offence, alleged to have been committed by the appellant and also considering the fact that now charge sheet has been filed and the same was taken on file in S.C.No.29 of 2019 by the learned Principal District and Sessions Judge, Coimbatore and the matter is coming up for hearing on 28.06.2021, and if the appellant is released on bail, there is a possibility of tampering the witnesses and therefore, this Court is not inclined to allow the Appeal. However, the learned Principal District and Sessions Judge, Coimbatore is directed to complete the formalities and frame charges and proceed the case and dispose the same as early as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The Principal District and Sessions Judge,
Coimbatore.
- 2.The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
- 3.The Deputy Superintendent of Police,
Periyanaickenpalayam Sub Division,
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras-104

Copy To

The Section Officer,
Criminal Section,
High Court, Madras-104.

+1cc to Mr.S.B.Viswanathan, Advocate SR.No.28752

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RSI (CO)
GMY (31/08/2021)