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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.A.NO.257 OF 2021

Janarthanan @ Jana
S/o.Abimannan

... Appellant/Accused No.6

.Vs.

1. The State Rep. by
The Inspector of Police,
Thirubuvanai Police Station,
Puducherry.
(Cr.No.40 of 2017)
Investigated by CBCID Police Station,
Puducherry.

... 1st Respondent/Complainant

2. M.Gnanasekaran

... 2nd Respondent/Defacto
Complainant

PRAYER:-

The Criminal Appeal filed under Section 14(A)(2) of SC/ST Act, to set aside the order dated 23.04.2021 made in C.M.P.No.253 of 2021 by the learned Special Judge, II Additional Sessions Judge, Puducherry, and to allow the appeal by enlarging the appellant on bail in Spl.S.C.No.19 of 2018.

For Appellant : Mr.Swami Subramanian

For respondent : Mr.Bhartha Chakaravarthi
Public Prosecutor (Pondy) for R1

JUDGMENT

The above criminal appeal has been filed against the order of dismissal of petition seeking bail filed by the appellant in C.M.P.No.253 of 2021 on the file of the learned II Additional Sessions Judge, Puducherry.



2. The appellant was arrayed as A6 and was charged for the offence punishable under Sections 148, 302 IPC r/w Section 14 of IPC and Section 109 IPC and Section 3 and 4 of Explosive Substances Act and Section 3(2) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 in Spl.S.C.No.19 of 2018 on the file of the learned Special Judge, II Additional Sessions Judge, Puducherry. Pending investigation, the appellant moved a petition for bail under Section 439 of Cr.P.C. in C.M.P.No.253 of 2021. The learned II Additional Sessions Judge, after hearing both the parties, by order dated 23.04.2021 had dismissed the petition seeking bail. Aggrieved against the dismissal of bail petition, the appellant is before this Court with the present criminal appeal, seeking bail.

3. The learned counsel for the appellant would submit that the appellant has been falsely implicated in this case. The appellant earlier was granted bail by the trial Court and since he was in prison in yet another case, he could not appear before the Court and comply the condition imposed in the earlier order granting bail. The learned trial Judge, without considering the above fact, had issued NBW and remanded to judicial custody by issuing PT warrant. The appellant is ready to abide any condition to be imposed by this Court. Hence the appellant prays to grant bail.

4. The learned Public Prosecutor (Pondy) would submit that when he was on bail, he involved in other crime, which is similar in nature and further if the appellant is released on bail, the appellant may tamper the witnesses. Hence prays to dismiss the appeal.

5. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor (Pondy) appearing for the first respondent.

6. It is seen that the appellant was charged for the offence punishable under Sections 294 (b), 427, 506(ii) IPC r/w 3(1)(r)(s) SC ST (Prevention of Atrocities) Amendment Act, 2015. The appellant was earlier granted bail and since he did not appear before the Court, the trial Court cancelled the bail and issued Nonailable Warrant against the appellant. Since he was arrested in some other case for the offence similar to the offence charged in this case, the trial Court issued PT warrant and remanded the appellant into judicial custody.

7. In view of the above and also considering the fact that the appellant is a habitual offender and involved in nearly 31 cases, this Court is not inclined to entertain the appeal filed against the order of dismissal of bail petition.



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8. In the result, the criminal appeal is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Special Judge,
II Additional Sessions Judge,
Puducherry.
2. The Inspector of Police,
Thirubuvanai Police Station,
Puducherry.
3. The Superintendant,
Central Prison,
Puducherry.
4. The Public Prosecutor,
Pondicherry.
5. The Section Officer,
Criminal Section,
High Court, Madras.

CRL.A.NO.257 OF 2021

RK(CO)
PBS/16/08/2021