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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Appeal No.323 of 2021

Shanmugam @ Nattamai

... Appellant

..vs..

1.State rep.by

The Deputy Superintendent of Police,
Kitchipalayam Police Station,
Salem - 636 015,
Crime No.1182 of 2020.

2.Mrs.Jansirani

... Respondents

Criminal Appeal filed under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to set aside the order dated 22.04.2021 passed in CrI.M.P.No.1342 of 2021 by the learned Principal District and Sessions Judge, Salem and enlarge the appellant on bail in Crime No.1182 of 2020 on the file of the 1st respondent police.

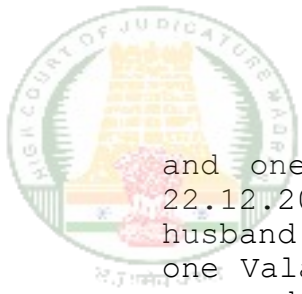
For Appellant	:	Mr.Arun Anbumani
For Respondents	:	Mr.S.Sugendran
		Government Advocate (CrI.Side)
		for R1

J U D G M E N T

This Criminal Appeal has been filed against the order dated 22.04.2021 in CrI.M.P.No.1342 of 2021 on the file of the learned Principal District and Sessions Judge, Salem and enlarge the appellant on bail in Crime No.1182 of 2020 on the file of the first respondent police.

2.The respondent police registered a case in Crime No.1182 of 2020 against the appellant/accused for the offence under Sections 147, 148, 341, 302, 427 IPC r/w Section 3 of TNPPDL Act, 1992 altered into Sections 120-B, 147, 148, 149, 341, 302 and 427 IPC and Section 3(1) of TNPPDL Act and Section 3(2)(v) and 3(1)(s) of SC/ST Act and he was arrested and remanded to judicial custody on 03.02.2021.

3.The case of the prosecution is that there was an enmity between the de facto complainant's husband Selladurai's group



and one Suriyamoorthy's group and due to previous enmity, on 22.12.2020 at about 7.30 p.m when the de facto complainant's husband was proceeding along with the de facto complainant and one Valarmathi in his car, the appellant herein along with other accused came in cars and two wheelers with veecharuval and waylaid the deceased car and attacked the de facto complainant's husband and he succumbed to death.

4.The learned counsel for the appellant would submit that the appellant has not committed any offence and he has been falsely implicated in the present case. The appellant was not involved in any other previous case, whereas the deceased himself got two previous cases. He would further submit that out of 32 accused 29 co-accused have already been released on bail and except this appellant two other co-accused have already been detained under Goondas Act. There is no specific overt act against the appellant as per the prosecution and only based on the confession statement given by the co-accused A14, the appellant has been falsely implicated in this case. The appellant is aged about 77 years and also having heart ailment and he was admitted in jail hospital and he is in judicial custody from 03.02.2021. He would further submit that charge sheet has already been filed and the same has been taken on file and hence, he prays for grant of bail to the appellant and that the appellant would abide by stringent conditions, if any, to be imposed on him.

5.The learned Government Advocate (Crl.Side) for the first respondent would submit that the appellant belongs to Scheduled Caste community and hence, the provisions under Section SC/ST Act would not attract. However, A14, who is the son-in-law of the appellant herein has given confession statement by stating that the appellant has funded Rs.20 lakhs for the commission of the offence and also submitted that the appellant is ready to spend more amount to take away the life of the deceased and his family. He would further submit that there is a specific overt act against the appellant and the accused have murdered the deceased in brutal manner and the charge sheet has already been filed and the same has been taken on file. If the appellant is released on bail, there is a possibility of tampering the witnesses and trial would be protracted. Therefore, he strongly objected to grant bail to the appellant.

6.Heard the learned counsel for appellant and the learned Government Advocate (Crl.Side) for the 1st respondent and also perused the materials available on record.

7. Admittedly, the appellant herein was not involved in the commission of the offence, however, the confession statement given by his own son-in-law/A14 clearly shows that the appellant



is said to have financially helped for commission of offence and hence, if he would be released on bail, he would tamper the evidence and the trial would be protracted.

8. Under these circumstances, considering the serious nature of offence and also specific overt act attributed against the appellant, this Court is not inclined to entertain this appeal. Accordingly, this Criminal Appeal is dismissed.

s/d-
Assistant Registrar
True Copy

Sub-Assistant Registrar

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To

- 1.The Principal District and Sessions Judge,
Salem.
- 2.The Superintendent,
Central Prison, Salem.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Deputy Superintendent of Police,
Kitchipalayam Police Station,
Salem - 636 015.

Copy to
The Section Officer
Criminal Section
High Court, Madras 104.

Cr1.A.No.323 of 2021

AD(CO)
SP(02/08/2021)