



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.A.No.296 of 2021

Nattamai @ Selvam
S/o.Mathi

...

Vs.

Appellant/Petitioner

1. The Assistant Commissioner of Police,
Salem North, Salem District.

2. The Inspector of Police,
Veeranam Police Station,
Salem District.
(Crime No.161 of 2014)

3. Murugammal
W/o.Shanmugam

...Respondents /Respondents

PRAYER: Criminal Appeal filed under Section 14-A of S.C.S.T Act (Prevention of Atrocities Amendment Act 2015 r/w.374(3) of Cr.P.C) to set aside the order passed in bail petition in CMP.No.1024 of 2021 dated 26.03.2021 on the file of the Principal Sessions Court, Salem and enlarge the appellant on bail pending in S.C.No.134 of 2016 on the file of the Principal Sessions Court, Salem.

For Appellant : Mr.W.Camyless Gandhi

For Respondents

For R1 and R2 : Mr.A.Damodaran

Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed by the Appellant challenging the order made in CMP.No.1024 of 2021 dated 26.03.2021, on the file of Principal Sessions Court, Salem and enlarge the appellant on bail pending in SC.No.134 of 2016, on the file of the Principal Sessions Court, Salem.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.side) for the respondent police.

3. The appellant is the 8th accused in Crime No.161 of 2014 registered for the offence under Section 120(b), 147, 148, 302, 404 r/w 34 109 IPC and Sec3(2) (v) SC/ST (POA) Amendment Ordinance Act, 2014 and Sec3(1) of TNPPDL Act r/w 148 IPC. After completion of investigation, the second



respondent filed a charge sheet and the same has been taken on file in S.C.No.134 of 2016 on the file of the Principal Sessions Court, Salem. Pending trial, the petitioner was absent on 13.02.2020 and therefore the trial court issued Non Bailable Warrant against the petitioner. In pursuant to the NBW, the second respondent herein arrested the appellant on 20.03.2020.

4. The learned Government Advocate (Crl.Side) has submitted that the petitioner was a habitual offender and he was involved in 12 previous cases and because of his absence before the trial court, trial has been staled on various occasions. Thereafter, the petitioner was detained under Goondas Act and subsequently it was set aside by this court in HCP.No.1352 of 2020 dated 14.12.2020. He further submitted that if the appellant was released on bail, entire trial would be staled and therefore prays for dismissal of this appeal.

5. Considering the facts and circumstances of the case, this Court does not find any infirmity or illegality in the order passed by the trial court.

6. In the result, Criminal Appeal is dismissed. However, the trial court is directed to complete the trial, within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

arr/vv

To

- 1.The Principal Sessions Judge,
Principal Sessions Court,
Salem.
2. The Assistant Commissioner of Police,
Salem North, Salem District.
3. The Inspector of Police,
Veeranam Police Station,
Salem District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No. 27687

Crl.A.No.296 of 2021