



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

Coram:

WEB COPY

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Appeal No.381 of 2021

1. Raj Manikandan

2. Ranjithkumar

...Appellants / Petitioners/
Accused 19 and 22

Vs.

1. State Rep. by
Asst. Commissioner of Police
South Range (L & O),
Salem Corporation
Salem

2. The Inspector of Police
Kitchipalayam Police Station
Salem District
(Crime No.1182 of 2020)

... Respondents 1 & 2/
Complainants/Respondents

3. Jansy Rani ... 3rd Respondent/Defacto Complainant

Prayer : Criminal Appeal filed under Section 14-A(2) of the Scheduled castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 03.07.2021 made in CrI.M.P.No.2006 of 2021 by the learned Principal Sessions Judge, Salem and enlarge the Appellants on bail in Crime No.1182 of 2021, pending investigation on the file of the 1st respondent police.

For Appellants	: Mr.N.Palanivel
For Respondents 1 & 2	: Mr.S.Vinoth Kumar
	for Mr.S.Sugendran,
	Government Advocate, (crl.side)

J U D G M E N T

(The case has been heard through video conference)

This Criminal Appeal has been filed against the order dated 03.07.2021 in CMP No.2006 of 2021 passed by the learned Principal Sessions Judge, Salem, and to enlarge the Appellants on bail in Crime No.1182 of 2020, pending investigation on the file of the 1st respondent police.



2. The respondent police initially registered the case in Crime No.1182 of 2020 against 18 persons for the offences punishable under Sections 147, 148, 341, 302 and 427 IPC and Section 3 of TNPPDL Act, 1992 and subsequently, during enquiry altered into Sections 120-B, 147, 148, 149, 341, 302 IPC and Section 3(1) of TNPPDL Act along with Section 3(2)(v) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 and found that nearly 32 persons are involved in this case and the appellants are arrayed as A19 and A22. Thereafter, the appellants surrendered before the Magistrate and subsequently, they were arrested and remanded to judicial custody on 23.12.2020 and 28.12.2020 respectively following which, they filed a bail application before the Principal Sessions Judge, Salem in CMP No.2006 of 2021 and the same was dismissed by the learned Sessions Judge by order dated 03.07.2021. Against which, the appellants have filed the present appeal before this Court.

3. The learned Counsel for the appellants would submit that the appellants have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would further submit that some of the co-accused in this case have been granted bail and he would pray that the bail application of the appellants may be considered.

4. The learned Government Advocate (Crl. Side) would submit that the appellants have actively involved in this case. They conspired with the other accused and took away the life of the deceased. Further, the appellants have also committed offence which falls under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 and one of the co-accused/A32 is still absconding and if the appellants are released on bail, there is every possibility of the appellants getting abscond and also tampering the witnesses of this case. Already this Court had dismissed the bail applications filed by the co-accused vide Crl.A.No.196 of 2021, Crl.A.No.326 of 2021, Crl.A.No.268 of 2021 and Crl.A.No.365 of 2021. He would submit that many accused are involved in this case and after a grate effort, the respondent police have completed the investigation and filed the charge sheet and the case is now been taken on file in Spl.SC.No.6 of 2021 by the designated Court, Salem. The learned Magistrate, after considering the entire facts and overt act of the appellants, dismissed the petition filed by the appellants. He would submit that this Court while dismissing the bail application of the co-accused in Crl.A.No.365 of 2021, has given a direction to the designated Court, Salem, to complete the formalities and to dispose of the case in Spl.SC.No.6 of 2021 within a period of six months by order dated 04.08.2021. Hence, he would pray for the dismissal of the appeal.



5. Heard the learned Counsel appearing for the appellants and the learned Government Advocate (Crl Side) appearing for the respondent police.

6. On perusal of records shows that the appellants are arrayed as A19 and A22 in Crime No.1182 of 2020 for the offences punishable under Sections 120-B, 147, 148, 149, 341, 302 IP and Section 3(1) of TNPPDL Act along with Section 3(2)(v) of SC and ST (Prevention of Atrocities) Amendment Act, 2015 and there is a specific overt act against the appellants and they have actively participated in the offence as hooligans.

7. Taking into consideration of the above facts and circumstances of the case and that the investigation has been completed, charge sheet has been filed, the same has been taken on file in Spl.SC.No.6 of 2021 and there is a specific overt-act as against the appellants and at this stage, if the appellants are released on bail, there is every possibility of the appellants getting abscond and tampering the witnesses which would protract the trial. Further, this Court has already given a direction to the designated Court, Salem, to complete the formalities and to dispose of the case in Spl.SC.No.6 of 2021 within a period of six months vide Crl.A.No.365 of 2021 by order dated 04.08.2021. Therefore, in this circumstances, this Court is not inclined to grant bail to the appellants.

8. Accordingly, this Criminal Appeal stands dismissed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

ksa-2

To

1. The designated Court for SC/ST Act, (Spl.SC.No.6 of 2021)
Salem.
2. The Principal Sessions Judge, Salem.
3. The Asst. Commissioner of Police
South Range (L & O),
Salem Corporation
Salem



4. The Inspector of Police
Kitchipalayam Police Station
Salem District

WEB COPY

5. The Public Prosecutor Officer,
High Court, Madras.
6. The Section Officer,
Criminal Section,
High Court, Madras.

Criminal Appeal No.381 of 2021

DA (CO)
LS (13/09/2021)