



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRIMINAL APPEAL NO.390 OF 2021

1.S.Surya

2.K.Saminathan

...Appellants/Petitioners/Accused A1 & A2

..Vs..

1. The Deputy Superintendent of Police
Perundurai Sub -Division
Perundurai
Erode District

2. The Sub Inspector of Police
Kodumudi Police Station
Erode District
(Crime No.460 of 2020)

...Respondents/Complainant

Prayer :

Criminal Revision filed under Section 14A(ii) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 10.08.2021 made in Crl.M.P.No.1309 of 2021 on the file of the Principal District and Sessions Judge, Erode and to enlarge the Appellants on bail in Spl.S.C.No.6 of 2021 in Crime No.460 of 2020 on the file of the respondent police.

For Appellants : Mr.M.Vignesh
for Mr.C.S.Saravanan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

JUDGMENT

(The case has been heard through video conference)

The Criminal appeal has been file against the order dated 10.08.2021 made in Crl.M.P.No.1309 of 2021 on the file of the Principal District and Sessions Judge, Erode, and to enlarge the Appellants on bail in Spl.S.C.No.6 of 2021 in Crime No.460 of 2020 on the file of the 2nd respondent police.



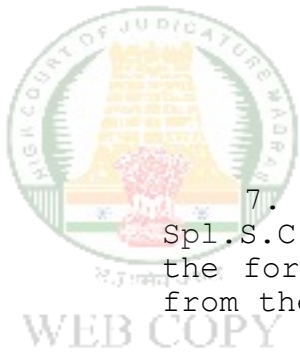
2. The respondent police registered a case against the appellants and other accused in Crime No.460 of 2020 for the offences punishable under Sections 449 and 302 IPC and also under Sections 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act 2015. Thereafter, the respondent police investigated the matter and laid charge sheet and the designated Court taken cognizance of the charge sheet in Spl.S.C.No.6 of 2021. Subsequently, the appellants filed a petition in CrI.M.P. No.1309 of 2021 seeking for bail before the designated Court and the same was dismissed by order dated 10.08.2021. Challenging the said order, the appellants have filed the present appeal before this Court.

3. The learned Counsel for appellants would submit that the investigation has already been completed and the charge sheet has been filed and the same has been taken on file in Spl.S.C.No.6 of 2021 and now the case is posted for framing of charges. He would further submit that the appellants are suffering incarceration for more than the statutory period from 14.11.2020. Hence, he would pray that the appeal may be allowed and the appellants are prepared to abide by any stringent conditions.

4. Mr.S.Sugendran, learned Government Advocate (CrI. Side) would submit that the charge sheet has been filed and the same has been taken up on file in Spl.S.C.No.6 of 2021 and the case is at the stage of framing of charges. He would further submit that the appellants have previous cases of like nature and if they are released on bail, there is every possibility of the appellants getting abscond and protract the trial and they may also commit similar type of offence. Hence, he would strongly object and submit that the appeal may be dismissed.

5. Heard the learned Counsel for the appellants and the learned Government Advocate (CrI. Side) appearing for the respondent police and perused the materials on record.

6. Perusal of records shows that the appellants are arrayed as A1 and A2 in Spl.S.C.No.6 of 2021 and the case is posted for framing of charges. As contended by the learned Government Advocate (CrI. Side), the appellants have involved in previous cases of like nature and the same is also pending. Considering the serious nature of offence and also the antecedents of the appellants, this Court is not inclined to grant bail to the appellants.



7. The Designated Court is directed to frame charges in Spl.S.C.No.6 of 2021 as early as possible and after completing the formalities, conclude the trial within a period of 4 months from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dsn/ksa-2

To

1. The Principal District and Sessions Judge,
(Designated Court) Erode
2. The Deputy Superintendent of Police
Perundurai Sub -Division
Perundurai
Erode District
3. The Sub Inspector of Police
Kodumudi Police Station
Erode District
4. The Public Prosecutor Officer,
High Court, Madras.
5. The Section Officer, Criminal Section,
High Court, Madras.
6. The Superintendent,
Central Prison,
Coimbatore.

Criminal Appeal No.390 of 2021

NK(CO)
CS/17/09/2021