



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.A.No.461 of 2021

- 1.Sudhakar
- 2.Ravi@ Ravivarman
- 3.Arumugam
- 4.Senthil
- 5.Jayakumar @ Govindasamy
- 6.Ayyappan
- 7.Thangarasu
- 8.Eagambaram

... Appellants/Accused 1 to 8

Vs

1. The State Rep by its  
The Inspector of Police,  
Marakkanam Police Station,  
Villupuram District.  
In Crime No. 208 of 2021

...Respondent/complainant

2. Thamaraiselvi

...Respondent/defacto-complainant

Prayer: Criminal appeal is filed under Section 374 (2) of Code of Criminal Procedure praying to set aside the order passed by the learned Session Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram in CrI.M.P.No.1242 & 1243 of 2021 dated 03.08.2021 and enlarge the appellants on bail in Cr.No.208 of 2021 on the file of respondent police.

For Appellant : Mr.S.Saravana Kumar

For Respondent-1: Mr.S.Sugendran  
Government Advocate (Criminal Side)

For Respondent-2: Affidavit of Service filed

JUDGMENT

This Criminal Appeal has been filed against the order passed by the learned Session Judge, Special Court for Exclusive Trial



of Cases Registered under the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, in Crl.M.P.No.1242 & 1243 of 2021 dated 03.08.2021.

2. The respondent police registered a case against the petitioners in Crime No.208 of 2021 originally for the offence under Sections 147, 148, 341, 294(b), 324, 506 (ii) and 307 of IPC following which, the petitioners were arrested and remanded to judicial custody. In the meantime, the respondent police conducted investigation and altered the offences Sections 147, 148, 341, 294(b), 324, 506 (ii) and 307 of IPC @ 147, 148, 341, 294(b), 506 (ii) read with 302 IPC @ 147, 148, 341, 294(b), 506 (ii) read with 302 IPC read with 3(1)(r)(s) of SC/ST POA Act. Subsequently, the petitioners filed applications before the designated Court seeking for bail in Crl.M.P.Nos.1242 and 1243 of 2021 and the same was dismissed by order dated 03.08.2021. Against which, the accused have filed the present appeal before this Court seeking for grant of bail.

3. The learned counsel for the appellants would submit that even in the FIR, there is no such allegations which would attract the offence under SC/ST Act and that, not all the accused are members of the non Scheduled Caste community. Therefore, the ingredients for the offence under SC/ST Act would not attract against all the accused and the trial court failed to consider the same and simply dismissed the petitions which warrants interference.

4. The learned Government Advocate (Crl. Side) would submit that admittedly in the FIR, there is no such allegations which would attract offence under SC/ST Act. However, during the course of investigation, the respondent police found that the offence committed by the accused would also attract offence under SC/ST Act and thereby, the offences were altered accordingly. He would submit that the matter is pending before designated Court and that the petitions filed by the appellants were dismissed by the designated Court based on the final report filed by the respondent police.

5. Heard the learned Counsel for the appellants and the learned Government Advocate (Crl. Side) and perused the materials on record.

6. It is seen that though some of the accused are non members of SC/ST community, they all have filed single application seeking bail which clearly shows their common intention. Even otherwise, the offence committed by the accused would attract the offences under Sections 147 and 148 IPC.



7. Therefore, considering the serious nature of the offences and since one of the offence is under Section 302 IPC, this Court is of the opinion that if the appellants are released on bail at this stage, there is every possibility of the appellants tampering the witnesses and also there is possibility of communal clash. Therefore, this Court is not inclined to grant bail to the appellants.

8. Accordingly, this Criminal Appeal is dismissed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To:

1. The Session Judge,  
Special Court for Exclusive Trial of Cases Registered  
under the Scheduled Caste and the Scheduled Tribes  
(Prevention of Atrocities) Act, 1989, Villupuram.
2. The Inspector of Police,  
Marakkanam Police Station,  
Villupuram District.
3. The Superintendent,  
Central Prison,  
Cuddalore.
4. Public prosecutor,  
High Court of Madras.
5. The Section Officer,  
Criminal Section,  
High Court, Madras.

Crl.A.No. 461 of 2021

ak[co]  
srg 17/11/2021