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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Appeal No.405 of 2021

P.Mohan

... Appellant/Petitioner/Accused -1

..vs..

1. The Deputy Superintendent of Police,
Omalar,
Salem District.

... Ist Respondent

2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.

... 2nd Respondent/Respondent/Complainant

3.Amsavalli

... 3rd Respondent/Defacto Complainant

Criminal Appeal filed under Section 14 A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 r/w 374(3) of Cr.P.C to set aside the order in C.M.P.No.2356 of 2021 in Crime No.408 of 2021 dated 29.07.2021 on the file of the Principal Sessions Judge, Salem and enlarge the appellant on bail pending in Crime No.408 of 2021 on the file of the 2nd respondent police.

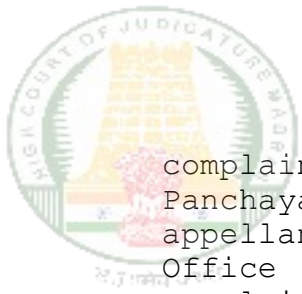
For Appellant : Mr.W.Camyles Gandhi

For Respondents : Mr.S.Sugendran
Government Advocate (Crl.Side)
for R1 and R2

J U D G M E N T

This Criminal Appeal has been filed against the order dated 29.07.2021 passed in C.M.P.No.2356 of 2021 by the learned Principal Sessions Judge, Salem and to enlarge the appellant on bail.

2.The case of the prosecution as per the de facto



complainant is that she is the President of T.Konagapadi Panchayat. On the date of occurrence i.e. on 22.07.2021, the appellant and four other named accused were came to Panchayat Office and demanded house tax receipts and the de facto complainant and concerned Clerk refused to give the said receipts, there was a wordy quarrel arose between the appellant and the de facto complainant and that the appellant and others assaulted and abused her by using caste name in public. Hence, a case in Crime No.408 of 2021 was registered against the appellant for the offence under Sections 147, 294(b), 332, 323, 506(i) IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act.

3.Heard the learned counsel for the appellant and the learned Government Advocate (Crl.Side) for the respondents 1 and 2 and also perused the materials available on record.

4.The learned counsel for the appellant would submit that the appellant is the 5th Ward Member of the said Panchayat and he is in no way connected with the offence as alleged by the prosecution. He would further submit that the appellant is in judicial custody for more than 40 days and hence, he prays for grant of bail to the appellant.

5.The learned Government Advocate (Crl.Side) for the respondents 1 and 2 would submit that the appellant is a habitual offender and he has involved in five other cases, which are similar in nature and the same are as follows :

1	Tharamangalam Police Station	Crime No.655 of 2009	under Sections 353, 506(i) IPC in C.C.No.19 of 2010.
2	Tharamangalam Police Station	Crime No.272 of 2016	under Sections 147, 294(b), 324, 448, 427, 506(ii) IPC r/w 3(1)(r) (s)&(s) (va) of SC/ST (POA) Act 1989 (MF)
3	Tharamangalam Police Station	Crime No.113 of 1019	under Sections 294(b), 324, 506(i) IPC
4	Tharamangalam Police Station	Crime No.449 of 2020	under Sections 147, 341, 294(b), 506(i) IPC r/w 3(1)(r), 3(2)(va) SC/ST (POA) Act-PT
5	Tharamangalam Police Station	Crime No.199 of 2021	under Sections 126 (iii) Representation Public Act (Election Case) -UI



He would further submit that the earlier bail petition in CrI.A.No.371 of 2021 was dismissed by this Court on 10.08.2021 and this is the second bail petition and hence, he strongly objects to grant bail to the appellant.

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6. It is seen from the records that the appellant is the prime accused and there is a specific overt act attributed against the appellant and he has also involved in other cases, which are similar in nature. This Court has already dismissed the bail petition in CrI.A.No.371 of 2021 on 10.08.2021 and also that there is no change of circumstances.

7. Considering the serious nature of the offence, this Court is not inclined to allow the appeal. Accordingly, this Criminal Appeal is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Salem.
2. The Officer Incharge,
Sub Jail, Attur.
3. The Deputy Superintendent of Police,
Omalur, Salem District.
4. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
5. The Public Prosecutor,
High Court, Madras.
6. The Judicial Magistrate,
Omalur.
7. The Superintendent Central Prison,
Salam.



Copy to:-

The Section Offficer
Criminal Section,
High Court, Madras-104

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.44702

Crl.A.No.405 of 2021

PVS (CO)
CT (24/09/2021)