



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL APPEAL NO.438 OF 2021

Rajan

... Appellant/Petitioner

Vs.

1. The State represented by
The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Coimbatore

...1st Respondent/Complainant

2. The State represented by
Inspector of Police
Kottur Police Station
Coimbatore District
(Crime No.262 of 2021)

...Respondent/Respondent

3.Sutha

...2nd Respondent/Defacto Complainant

Criminal Appeal is filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989, praying to call for the records pertaining to the order dated 22.07.2021 made in CrI.M.P.No.2678 of 2021 on the file of the learned Principal District and Sessions Judge, Coimbatore and set aside the same and consequently enlarge the appellant on bail in connection with Crime No.262 of 2021 on the file of the 2nd respondent police by allowing this appeal.

For Appellant : Mr.S.N.Arunkumar for
Mr.M.N.Balakrishnan

For Respondents
1 and 2 : Mr.S.Sugendran
Government Advocate
(CrI.Side)



JUDGMENT

This Criminal Appeal has been filed against the order dated 22.07.2021 made in CrI.M.P.No.2678 of 2021 passed by the learned Principal District and Sessions Judge, Coimbatore and subsequently enlarge the appellant on bail in connection with Crime No.262 of 2021 on the file of the 2nd respondent police.

2. The respondent police registered the case against the appellant in Crime No.262 of 2021 for the offences under Sections 294(b), 324 of IPC and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, following which, the appellant was arrested and remanded to judicial custody on 05.07.2021. During pendency of the investigation, the appellant filed a petition before the learned Principal District and Sessions Judge, Coimbatore, in CrI.M.P.No.2678 of 2021 seeking for bail and the learned Sessions Judge, by order dated 22.07.2021 dismissed the same. Challenging the said order, the appellant has filed the present appeal before this Court.

3. The learned Counsel for the appellant would submit that due to previous enmity, a false case has been foisted against the appellant and he is no way connected with the alleged offence. He would further submit that the investigation has been completed and the charge sheet has also been filed by the respondent police and that the appellant is prepared to abide by any stringent conditions imposed by this Court. Hence, he would pray for grant bail.

4. The learned Government Advocate (Crl. Side) would submit that there is a specific overt act against the appellant and the medical report shows that the injuries sustained by the victim is grave in nature. He would further submit that the investigation has been completed and the charge sheet has been filed and the same has been taken on file in Spl.C.C.No.14 of 2021.

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

6. The offence committed by the appellant is grave in nature. Now the investigation has been completed and the charge has been filed and the same has been taken on file by the designated Court. This Court is of the opinion that if the appellant is released on bail at this stage, there is every possibility of the appellant getting abscond and tampering of the witnesses which would protract the course of trial. Therefore, this Court is not inclined to grant bail to the appellant.



7. However, the designated Court is directed to complete the formalities and frame the charges within a period of one month from the date of receipt of copy of this order and complete the trial within a period of 5 months thereafter.

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

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Coimbatore
2. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Coimbatore
3. The Inspector of Police
Kottur Police Station
Coimbatore District
4. The Public Prosecutor,
High Court, Madras.

Cr1.A.No.438 of 2021

BP(CO)
RLP(26/10/2021)