



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Twenty Third day of December Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI  
CRIMINAL ORIGINAL PETITION No.23315 of 2021

KIRUBA SHANKAR

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY ITS  
DEPUTY SUPERINTENDENT OF POLICE,  
PERUNDURAI, KODUMUDI POLICE STATION,  
ERODE DISTRICT  
CR.NO.460/2020

[ RESPONDENT ]

For Petitioner : M/S.V. SUBRAMANIAN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate ( Cr1. Side)

PETITION FOR BAIL 439 Cr.P.C.

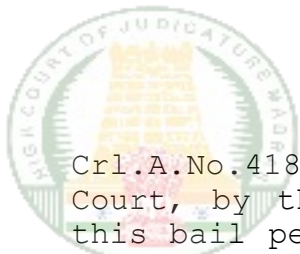
ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 14.11.2020 for the offences punishable under Sections 449 & 302 IPC and 3(2)(v) of SC/ST (P&A) Act, 1989 Amended Act 2015, in Crime No.460 of 2020, seeks bail.

2. The case of the prosecution is that on 13.11.2020, there was a wordy quarrel among the petitioner, A1 & A2 and the deceased persons. On 14.11.2021, the petitioner and other accused persons have trespassed into the house of the deceased persons, who belong to the Scheduled Caste, with an intention to murder them, and assaulted them with deadly weapons, who succumbed to death. Hence, the complaint.

3. The learned counsel for the petitioner would submit that he has been falsely implicated in this case and that he has been suffering incarceration for more than 1 year from 14.11.2020. He would further submit that the petitioner is the friend of A1, therefore he was added as accused in this case. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Cr1. Side) raised objection stating that offence was based on SC/ST Act, hence bail petition is not maintainable before this Court. The petitioner has already filed



Crl.A.No.418 of 2021 and the same was dismissed on 13.09.2021 by this Court, by the learned Single Judge and suppressing the said order, this bail petition was filed. He further submitted that there is one previous case pending against the petitioner in Crime No.459 of 2020 and SC/ST murder case also pending against the petitioner. There are totally 3 accused in this case, A1 is the son of A2 and A3 is a friend of A1. He further argued that there is a specific overt act as against the petitioner and the statement recorded under Section 164 of Cr.P.C. of one Ponnamal has clearly stated about the specific overt act against the petitioner and charge sheet also filed against him. Instead of suppressing the order, the petitioner would have challenged the order passed by this Court in Crl.A.No.418 of 2021. Hence, he vehemently, opposed to grant bail to the petitioner.

5. Considering the above facts, that the gravity of the offence as well as the twin murder of SC/ST case, and there is a specific overt act against the petitioner, and this bail petition is also not maintainable. Hence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

23/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE

2 DEPUTY SUPERINTENDENT OF POLICE,  
PERUNDURAI, KODUMUDI POLICE STATION,  
ERODE DISTRICT

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

CC to M/S.V. SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.23315/2021

Date :23/12/2021

RVR 30/12/2021