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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Appeal No.716 of 2021

1.Varadharaj
2.Murali Babu

... Appellants / Accused 1 & 2

Vs.

1.State:Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.
(Crime No.366 of 2021 of Thally Police Station)

2.State:Inspector of Police,
Thally Police Station,
Krishnagiri District.

... Respondents / Complainants

3.M.Raja

...Respondent/De Facto Complainant

Criminal Appeal is filed under Section 14-A of the amendment SC/ST Act 2015, praying to allow the above Criminal Appeal and set aside the dismissal bail order 14.12.2021 passed by the Learned the Principal Sessions Judge, Krishnagiri in CrI.M.P.No.2465 of 2021 and release the appellants on bail pending investigation in Crime No.366 of 2021 on the file of the respondent police.

For Appellants : Mr.M.P.Saravanan

For Respondents
1 and 2

: Mr.R.Murthi
Government Advocate (CrI.Side)

JUDGMENT

This Criminal Appeal has been filed against the order dated 14.12.2021 made in CrI.M.P.No.2465 of 2021 passed by the Learned the Principal Sessions Judge, Krishnagiri and subsequently enlarge the appellants on bail in connection with Crime No.366 of 2021 on the file of the respondent police.



2. The respondent police registered a case against the appellants in Crime No.366 of 2021 for the offences under Sections 302, 201 of IPC and Section 3(2) (v) of SC/ST (P & A) Act following which, the appellants were arrested and remanded to judicial custody and during pendency of the investigation, the appellants filed a petition before the learned Principal and Sessions Judge, Krishnagiri, in CrI.M.P.No.2465 of 2021 seeking for bail and the learned Sessions Judge, by order dated 14.12.2021 dismissed the same. Challenging the said order of dismissal, the appellants have filed the present appeal before this Court.

3. The learned Counsel for the appellants would submit that due to previous enmity, a false case has been foisted against the appellants and they are no way connected with the alleged offence. He would further submit that the appellants have been suffering incarceration for more than 2 months and that there is no specific overt-act against them. Hence, he would pray for grant bail to the appellants.

4. The learned Government Advocate (CrI. Side) would submit that the investigation has not been completed and if the appellants are released on bail, there is every possibility of the appellants getting abscond and tampering the witnesses.

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

6. It is seen that the appellants who are arrayed as A1 and A2 in Crime No.366 of 2021 have been charged for the offences under Sections 302, 201 of IPC and Section 3(2) (v) of SC/ST (P & A) Act and that the investigation has not been completed. Considering the grave nature of offence and since there is a likelihood of communal clash in the locality if the appellants are released on bail, this Court is not inclined to grant bail to the appellants.

7. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

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1. The Principal and Sessions Judge,
Krishnagiri.
2. The Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.
3. The Inspector of Police,
Thally Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras - 104.

Crl.A.No.716 of 2021

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NSK 31/01/2022