



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.63 of 2021

Jagadeeswaran @ Iruttu

.. Appellant /9th Accused

Vs.

1.The Assistant Commissioner of Police,
Anna Nagar Division,
Anna Nagar,
Madurai City.

2.The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
Crime No.1052 of 2020.

3.Nagalakshmi

.. Respondents /Complainant

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.607 of 2020 dated 20.11.2020 on the file of the III Additional District Court (PCR Cases), Madurai and to set aside the same and to grant bail to the appellant.

For Appellant : Mr.S.Poornachandran

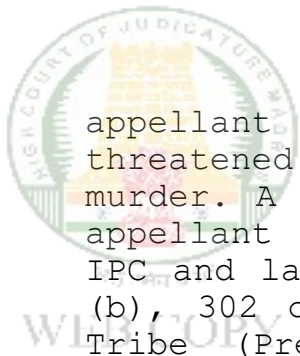
For Respondents 1 and 2 : Mr.S.Bharathi

Government Advocate (Crl. Side)

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.607 of 2020 dated 20.11.2020, on the file of the learned III Additional District Judge, (PCR Cases), Madurai and to grant bail to the appellant.

2.The case against the appellant is that on 07.06.2020, the



appellant and others entered into Government hospital, Madurai threatened the security who was guarding the deceased and committed murder. A case in Crime No.1052 of 2020 was registered against the appellant under Sections 120(b), 147, 148, 449, 294(b) and 302 of IPC and later was altered into Sections 120(b), 147, 148, 449, 294(b), 302 of IPC and Sections 3(2)(v) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Amendment Act by the second respondent Police. The appellant was arrested on 10.06.2020 and he filed a bail petition in Crl.M.P.No.607 of 2020 before the III Additional District Court. The learned District Judge dismissed the petition. Against which, the appellant has preferred this appeal.

3.On the side of the appellant, it is stated that the deceased was already in custody pertaining to a murder case in Crime No.515 of 2019 under Section 147, 148, 341, 302 of IPC @ 120(b), 114, 147, 148, 341, 302 r/w. 149 of IPC by the B1 Vilakuthoon Police and he was A2 in that case. Subsequently, he was admitted in the hospital for stroke. There is no specific overt act against the appellant. The allegation is only against the other accused A1 to A4. On the date of occurrence, the appellant is only a juvenile and he was wrongly remanded to custody instead of referring to the Juvenile Board. Already A7, A8, A10 are released on bail. The appellant is in custody for the past 240 days and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that totally there are ten accused involved in the case. Three of them are named accused. The specific overt act against the appellant is that he entered into the Government hospital with weapons and barred the others from entering into the place of occurrence. The place of occurrence is hospital. The deceased was already in judicial custody. There is a previous case against the petitioner in Crime No.1250 of 2019 under Section 147, 148, 294(b), 323, 506(ii) of IPC on the file of the Annanagar Police Station. A1 to A5 were detained under the Goondas Act. A7, A8 and A10 were released on bail as they were minors and prayed the petition to be dismissed.

5.Though the name of the third respondent was printed in the cause list, none appears on behalf of the third respondent.

6.A perusal of the birth certificate produced by the appellant does not contain the name of the appellant. The validity of the birth certificate cannot be decided in this appeal. It is seen that the place of occurrence is government hospital and the deceased was in judicial custody. Already A1 to A5 were detained under the Goondas Act.

7.In view of the above, this Court is not inclined to release



the appellant on bail at present. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The III Additional District Judge, (PCR Cases), Madurai.
- 2.The Assistant Commissioner of Police,
Anna Nagar Division,
Anna Nagar,
Madurai City.
- 3.The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
- 4.The District Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.A.(MD)No.63 of 2021

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MJ(CO)

KK(12.03.2021) 3P 6C