



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A. (MD)No.104 of 2021

1.K.Vignesh

2.R.Sivaraman

.. Appellants/Accused No 2 & 3

Vs.

The state rep by,

1.The Deputy Superintendent of Police,

Thiruvarumbur Range,

Trichy District.

2.The Inspector of Police,

Thiruvarumbur Police Station,

Trichy District.

(Crime No.103 of 2021)

3.T.Illamaran

..Respondents 1 & 2/Complainants

..3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal filed under Section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order made in Crl.M.P.No.651 of 2021 on the file of the I Additional District and Sessions Judge (PCR), Trichirappalli on 23.02.2021 and allowed the appeal and enlarge the appellants on bail.

For Appellants

: Mr.B.Jameel Arasu

For Respondents 1 and 2

: Mrs.S.Bharathi

Government Advocate (Crl. side)

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.651 of 2021 dated 23.02.2021, on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli and to grant bail to the appellant.

2.The case against the appellant is that on 29.01.2021, the defacto complainant asked his brother to bring the Electrician Kumar, who lives on the next street. The daughter of A1 informed her father that the brother of the defacto complainant asked her phone number. At 04.45 p.m., the accused abused the deceased in filthy language mentioning the caste name and assaulted him and stamped on his stomach. The deceased took treatment on Karbhagavinayagar Hospital as 'out patient' and on next day, he was having stomach pain and was taken to scan centre, and then he was taken to Trichirappalli Government hospital and was admitted as 'in patient'. A case was registered against the appellant in Crime No.103 of 2021 under Sections 294(b), 323, 307 of IPC. Subsequently, the deceased died in the hospital and the case was altered into Sections 294(b), 323, 302 of IPC r/w. Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act. The appellant has filed a bail petition in Crl.M.P.No.651 of 2021 before the learned I Additional District and Sessions Judge, Tiruchirapalli. The petition was dismissed by the learned District Judge on 23.02.2021. Against the same, the appellant has preferred the present appeal.

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3.On the side of the appellants, it is stated that there are totally three accused involved in the offence. A3 is the friend of A2. Both A2 and A3 are students. The deceased followed the daughter of A1 on the occurrence date and he misbehaved with her by asking her phone number and she informed the same to her father. The accused went to the occurrence place questioning the same and there was quarrel. No weapon was used in the occurrence. Only on 31.01.2021, the deceased reported stomach pain and he died on 02.02.2021. Already he was having physical ailments. Even in the complaint, it is specifically stated that the deceased was having some ailments such as leg injury and varicose vein and there is no intention for A2 and A3 to commit murder and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that the allegation against the appellants is serious in nature. If the appellants are released on bail, there is possibility of tampering the witness and the investigation is still pending. There is a chance for the appellants to abscond. The investigation is still pending for receipt of visra report. There is specific overt act against the appellants. The accused are neighbors to the deceased. They are aware that the deceased is a mentally retarded person. Misunderstanding the act of the deceased, the accused murdered the deceased and prayed the appeal to be dismissed.

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

6.It is seen that the offence is grievous in nature. Varicose vein may not be a reason for the death. The appellants are in custody from 02.02.2021.

7.Considering the short period of incarceration and considering the grievous nature of offence, this Court is not inclined to grant bail to the appellants. Hence, this Criminal Appeal is dismissed at present.

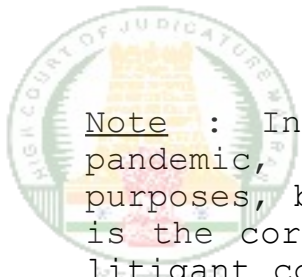
Sd/-

Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)



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.

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- To
- 1.The I Additional District and Sessions Judge,
Tiruchirapalli.
 - 2.The Deputy Superintendent of Police,
Thiruvarumbur Range,
Trichy District.
 - 3.The Inspector of Police,
Thiruvarumbur Police Station,
Trichy District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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