



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD) No. 459 of 2021

WEB COPY

Sethupathi

.. Appellant

Vs.

1.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

2.The State through
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.175 of 2020)

3.Renuka

.. Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(1) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to call for the records and to set aside the order dated 13.10.2021 made in Crl.M.P.No.566 of 2021 on the file of learned Sessions Judge, Special Judge for Trial of Cases Registered under SC/ST (POA) Act, 1989, Ramanathapuram.

For Appellant	: Mr.C.Senthil Murugan
For Respondents 1 and 2	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.566 of 2021, dated 13.10.2021, on the file of the learned Sessions Judge, Special Judge for Trial of Cases Registered under SC/ST (POA) Act, Ramanathapuram.

2.The case against the appellant is that there was previous enmity between the appellant and the deceased. On 26.03.2021, at about 12 noon, the deceased was found dead with injuries. A case in Crime No.175 of 2021 was registered against the appellant under Section 302 of IPC and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act. The appellant has filed a bail application in Crl.M.P.No.566 of 2021 before the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, Ramanathapuram. That petition was dismissed by the



trial Court on 13.10.2021. Against the same, the appellant has preferred this Criminal Appeal.

3.On the side of the appellant, it is stated that there was no specific overt act against the appellant. The body of the deceased was found in a channel. There is absolutely no material evidence against the appellant. The allegation against the appellant is that he used the vehicle of the deceased. The appellant is in custody for the past 210 days. The appellant also belongs to the same community and hence, the offence under SC/ST Act is not made out against the appellant and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that totally six accused involved in the case. The appellant is A1. The appellant is having six previous cases including one murder case which reads as follows:

Sl. No.	Police Station	Crime Number	Section
1.	Chatrakudi Police Station	156 of 2018	379 of IPC
2.	Paramakudi Town Police Station	175 of 2021	302 of IPC, 3(1)(r), 3(1)(s), 3(2)(va) SC/ST Act
3.	Paramakudi Town Police Station	40 of 2020	294(b), 324, 506(ii) of IPC
4.	Paramakudi Town Police Station	367 of 2019	294(b) of IPC
5.	Paramakudi Town Police Station	276 of 2018	147, 148, 294(b), 323, 324, 341, 506(ii) of IPC
6.	Paramakudi Town Police Station	276 of 2017	387 of IPC
7.	Paramakudi Town Police Station	289 of 2015	380 of IPC @ 380, 414 of IPC

5.It is seen that the vehicle of the deceased was stolen by some one and the same was purchased by some other person for a sum of Rs.4,000/-. The deceased on promise to repay the amount got back the vehicle. There was enmity between the deceased and the appellant for the non payment of Rs.3,000/-. It is seen that the appellant is in custody for the past 210 days. Chargesheet was already filed on 23.07.2021 and was taken on file as S.C.No.74 of 2021.

<https://hcservices.equidays.in/services> 6.Considering the previous antecedents of the appellant and



considering the fact that there was another murder case pending against the appellant, this Court is not inclined to grant bail to the appellant. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

Mrn

To

- 1.The Sessions Judge,
Special Judge for trial of cases registered under SC/ST Act,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Officer Incharge, Sub Jail,
Ramanathapuram.

Copy to

The Section Officer,
Criminal section(Records)
Madurai Bench of Madras High Court,
Madurai.

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DJ(CO)
SB(09.12.2021) 3P 8C