



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.A.Nos.163 & 169 of 2022

Silambarasan

...Appellant in
Crl.A.No.163/2022

Jayakumar @ Thandi Jayakumar

...Appellant in
Crl.A.No.169/2022

Vs.

1.The State rep. by
The Deputy Superintendent of Police,
Salem, Salem District.

2.The State rep. by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.1182 of 2020)

3.C.Jansirani

...Respondents in
both Appeals

COMMON PRAYER: Criminal Appeals filed under Section 14(A) (2) of the SC/ST Act, 1989, to set aside the order made in C.M.P.Nos.4328 & 4327 of 2021 dated 23.11.2021 passed by the learned Principal District and Sessions Judge of Salem and to enlarge the petitioner on bail by allowing the Appeals throughout.

For Appellant
in both Appeals : Mr.B.Mohan

For Respondents
in both Appeals
For R1 & R2 : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)

For R3 : Mr.R.Sankarasubbu



COMMON JUDGMENT

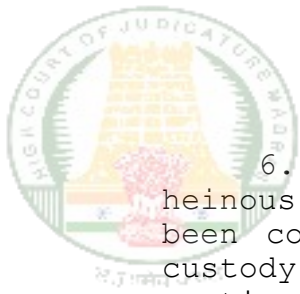
Being dissatisfied with the order dated 23.11.2021 made in Crl.M.P.Nos.4328 & 4237 of 2021 respectively, the appellants, who were arrayed as Accused Nos.1 & 7 respectively, in Crime No.1182 of 2020 on the file of the Kitchipalayam Police Station, have preferred these appeals and praying to enlarge them on bail.

2. The case of the prosecution is that the defacto complainant's husband Selladurai is a rowdy element and there was an enmity between the defacto complainant's husband's group and the accused Suriyamoorthy group. Due to previous enmity, on 22.12.2020 at about 7.30 p.m. when the defacto complainant's husband was proceeding along with the defacto complainant and one Valarmathi in his car on Appar Street, the appellants and other accused came with veecharuval in cars and two wheelers and waylaid the defacto complainant's car and attacked the defacto complainant's husband with veecharuval and the defacto complainant's husband was brought to the hospital, where the Doctor declared him as dead. Hence, a case was registered against the appellants under Sections 147, 148, 341, 302 & 427 of I.P.C. r/w. Section 3 of TNPPDL Act and altered to Section 427, 177, 419 r/w 34, 120(b), 147, 148, 149, 341 & 302 I.P.C. r/w. Section 3 of TNPPDL Act and Section 3(2)(v) of SC/ST (POA) Amendment Act, 2015.

3. The learned counsel for the appellants would submit that the appellants are innocent persons and no way connected with the offence as alleged by the prosecution. He would further submit that the respondent police has now completed the investigation and filed a final report. According to him, the appellants are in the Judicial Custody from 31.12.2021 onwards. Hence, he prays for bail by allowing these appeals.

4. The learned Government Advocate (Crl. Side) appearing for the respondent/Police raised objection stating that while at the time of occurrence, the appellants joined with other accused and after made conspiracy, committed the offence of murder. Further, he submits that the appellants were liable to be convicted under the provisions of SC/ST Act. According to him the appellant in Crl.A.No.163 of 2022 is having six previous cases wherein, three cases were registered for the offences punishable under Section 307 of IPC against him along with other offences. Further the appellant in Crl.A.No.169 of 2022 is having seven previous cases, wherein two cases were registered for the offences under Section 307 of IPC. However, he admits that as of now, the investigation in this case has been completed and final report has also been filed before the trial Court.

5. The submissions made by the learned counsel appearing on either side are considered.



6. Though the offences committed by the appellants are heinous in nature, being the reason that the investigation has been completed in this case, the question of further police custody is not necessary. However, on considering the particulars submitted by the learned Government Advocate appearing for the respondent police, it seems that from the year 2015 onwards, both the appellants herein have committed the offences continuously till 2020. The number of previous cases pending against the appellants would clearly show that they are habitual offenders. If these type of accused are released on bail, they try to tamper the witnesses and therefore, this Court is not inclined to allow these Criminal Appeals.

7. Accordingly, both the Criminal Appeal are dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rts

To

- 1.The Principal Sessions Judge,
Salem.
- 2.The Deputy Superintendent of Police,
Salem, Salem District.
- 3.The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Superintendent,
Central Prison,
Coimbatore.

Crl.A.Nos.163 & 169 of 2022

NRL (CO)
PR (07/04/2022)