



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.A. (MD) No.16 of 2022

Sheik Mohammed Abdullah ...Appellant/Accused
Vs.

State through

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

2.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(in Crime No.952 of 2021)

... 1 & 2 Respondent/Complainant

3.M.Muniyasamy

... 3rd Respondent/
Defacto Complainant

PRAYER : Criminal Appeal filed under Section 14(A)(2) of the Schedule Castes and Tribes Act, 1989 as Amended by Act 1 of 2016, to call for the records relating to the order in CrI.M.P.No.01 of 2022 dated 11.01.2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, 1989, Ramanathapuram and set aside the same and grant bail to the appellant by allowing this criminal appeal.

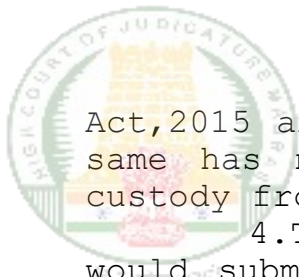
For Appellants	: Mr.C.R.M.Prabhu
For R1 & R2	: Mr.K.Sanjay Gandhi Government Advocate (crl.side)
For R3	: Mr.C.Senthil Murugan

JUDGEMENT

This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in CrI.M.P.No.14 of 2022 on the file of the learned II-Additional District and Sessions Judge (F.A.C), Tirunelveli, dated 19.01.2022.

2.The Appellants, who arrested and remanded to judicial custody on 11.12.2021, for the offences punishable under Sections 306 and Section 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the respondent police, seeks appeal bail.

3.The learned counsel appearing for the appellant would submit that the appellant has not committed any offences to attract the provisions under Section 3(2)(va) of SC/ST (POA) Amendment



Act, 2015 and he has been falsely implicated in this case and the same has not been considered properly and the appellants are in custody from 11.12.2021 onwards.

4.The learned Additional Public Prosecutor, on instructions, would submit that if the appellant is released on bail, he will tamper the witnesses and hamper the investigation and therefore, he objected to grant bail to the appellants. He would further submit that the investigation is pending.

5.It is seen that the offence against the appellant is grave in nature and the investigation is still pending. Further, there is a specific allegation as against the petitioner, which has to be investigated and there is no sufficient reason to release the appellant on bail. Therefore, considering the nature and gravity of the offence and considering the nature of evidence in support of accusation, this Court is not inclined to allow the Criminal Appeal. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

To:-

1.The Sessions Judge,
Special Court for Trial of Cases Registered
under SC/ST (POA) Act, 1989,
Ramanathapuram.

2.The Superintendent,
District Prison, Ramanathapuram District.

3.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

4.The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

Copy to:

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.A. (MD) .No.16 of 2022
09.02.2022