



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.A. (MD) .No.19 of 2022

WEB COPY

Jeevanantham

... Appellant/Petitioner/
Accused No.2

Vs.

State Represented by

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

2.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.303 of 2021).

... Respondents 1 & 2/
Respondent/Complainant

3.Poongodi

... 3rd Respondent/Respondent/
Defacto complainant

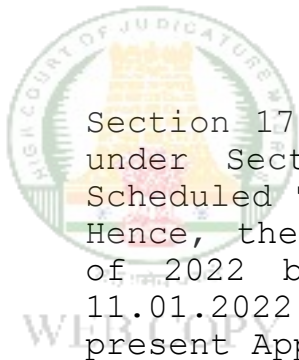
PRAYER : Criminal Original Petition filed under Section 14-A (2) of SC/ST (POA) Amendment Act, 2015, praying to set aside the order dated 11.01.2022 made in Crl.M.P.No.02 of 2022 on the file of the learned District and Sessions Judge, Special Court for Trail of cases registered under SC/ST (POA), Act-1989 Ramanathapuram, Ramanathapuram District and enlarge the appellant on bail.

For Appellant	: Mr.S.Sathya Chidambaram
For RR 1 & 2	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl. Side)
For R - 3	: Mr.D.Balamuruga Pandi

ORDER

This Criminal Appeal has been preferred to set aside the order passed by the learned District and Sessions Judge, Special Court for Trail of cases registered under SC/ST (POA), Act-1989 Ramanathapuram, Ramanathapuram District, in Crl.M.P.No.02 of 2022, dated 11.01.2022 and enlarge the appellant on bail.

2.The case of the prosecution is that the appellant due to personal motive attacked the deceased with wooden log, in which, he died and the deceased belonged to Scheduled caste community. The deceased dead body was found as suspicion death at Kodikulam Village. Hence, the second respondent registered the case under



Section 174(1) of Cr.P.C. After investigation, the case was altered under Section 302 of I.P.C r/w 3(2)(v) of Scheduled Caste and Scheduled Tribes (POA) Amendment Act, 2015 in Crime No.303 of 2021. Hence, the appellant has filed a bail application in Crl.M.P.No.02 of 2022 before the trial Court and the same was dismissed on 11.01.2022. Aggrieved over the same, the appellant has filed the present Appeal.

3.Heard the learned counsel appearing for the appellant and the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4.On a perusal of the records revealed that though the appellant belonged to Scheduled Caste and Scheduled Tribe community and the Scheduled Caste and Scheduled Tribe (POA) Amendment Act, 2015, would not attract, the appellant is a habitual offender and committed murder. Further, the appellant was arrested only on 05.12.2021 and the investigation is still pending. If the appellant is released on bail, there is an ample chance of tampering the prosecution evidence and hampering the witnesses. Therefore, the Court below rightly dismissed the appeal.

5.In view of the above, this Court finds no infirmity or illegality in the order passed in Crl.M.P.No.02 of 2022, dated 11.01.2022 by the learned District and Sessions Judge, Special Court for Trail of cases registered under SC/ST (POA), Act-1989 Ramanathapuram, Ramanathapuram District. sAccordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 District and Sessions Judge,
Special Court for Trail of cases
registered under SC/ST (POA), Act 1989,
Ramanathapuram, Ramanathapuram District.

2.The Deputy Superintendent of Police,
Paramakudi Sub Division,
Ramanathapuram District.

3.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

4.The Superintendent,
District Prison, Ramanathapuram

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-6639[F] dated
16/02/2022)

CRL.A. (MD) .No.19 of 2022
16.02.2022

MGJ(28.02.2022) 3P 7C