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Crl. A.No. 544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No. 544 of 2023

Suresh @ Kanaram

... Petitioner

Vs.

1. The Assistant Commissioner
of Police,
Poonamallee Sub-Division,
Thiruvallore Dt.

2. State, rep. by
The Inspector of Police,
Sevvapet Police Station,
Thiruvallore District.
(Crime No.291/2010)

3. M.Subramanian,
Village Administrative Officer,
Sevvapet Village,
Thiruvallore Tk. & Dt.

... Respondents

Prayer: Criminal Appeal filed under Section 14(a) of SC/ST Act, to allow the Criminal Appeal and set aside the order passed by the Principal District and Sessions Judge (Special Court for Trial of cases under SC/ST(POA) Act), Tiruvallur in Crl.M.P.No. 1676/2023 and the same was dismissed on 28.04.2023 and enlarge the appellant on bail in S.C.No.126 of 2011, pending on the file of Principal District and



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Sessions Judge (Special Court for trial of cases under SC/ST (POA) Act),
at Tiruvallur.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.V.Meghanathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Appeal has been filed as against the dismissal of bail petition filed by the petitioner/accused in Crl.M.P.No. 1676 of 2023 in S.C.No. 126 of 2011 by an order dated 28.04.2023 on the file of learned Principal District and Sessions Judge (Special Court for Trial of cases under SC/ST(POA) Act), Tiruvallur.

2. The petitioner is facing charge under Sec. 302, 404, 201 I.P.C. r/w 3(2)(v) of SC/ST Act and the sessions case is of the year 2011. However, the petitioner was absent before the trial court on 17.11.2016 and thereafter, the trial court issued non-bailable warrant as against the petitioner. Subsequently, he flee away from the jurisdiction of the trial court and he never appeared before the trial court. Only on 13.03.2023, the 2nd respondent police secured the petitioner and subjected him for trial. There are two accused, in which the 2nd accused died and the 1st accused is alive. Only because of his absence, the trial is stalled for the



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past 12 years. Hence, the trial court has rightly dismissed the bail petition filed by the petitioner.

3. Considering the above facts and circumstances, this court finds no infirmity or illegality in the order passed by the trial court. Accordingly, this Criminal Appeal is dismissed.

05.05.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
rpp/mfa

To

1. Principal District and Sessions Judge,
(Special Court for Trial of cases under SC/ST(POA) Act),
Tiruvallur
2. The Assistant Commissioner
of Police,
Poonamallee Sub-Division,
Thiruvallore Dt.
3. The Inspector of Police,
Sevvapet Police Station,
Thiruvallore District.
4. M.Subramanian,
Village Administrative Officer,
Sevvapet Village, Thiruvallore Tk. & Dt.
5. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

rpp/mfa

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