



Crl.A(MD)No.359 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.05.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.A(MD)No.359 of 2023

S.Masanam,

... Petitioner

Vs.

**1.The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli..**

**2.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli. Cr.No.79/2023.**

3. Baskar

... Respondents

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (POA) Act, 1989, as amended by Act 1 of 2016, to call for the records and set aside the bail dismissed order of the II Additional District and Sessions Judge (PCR), Tirunelveli in Cr.M.P.No.1269 of 2023, dated 21.04.2023 and enlarge the petitioner on bail in Crime No.279 of 2023.

For appellant : Mr.Aayiram K.Selvakumar

**For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)**



Crl.A(MD)No.359 of 2023

J U D G M E N T

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Heard the learned Counsel appearing for the appellant and the learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2.

2.This Criminal Appeal has been filed to call for the records and set aside the bail dismissal order of the II Additional District and Sessions Judge (PCR), Tirunelveli in Cr.M.P.No.1269 of 2023, dated 21.04.2023 and enlarge the petitioner on bail in Crime No.79 of 2023.

3.The appellant, who was arrested and remanded to judicial custody on 30.03.2023, for the offences punishable under Sections U/s.341,294(b), 324, 307 and 506(ii) of IPC, altered into U/s.341,294(b), 324, 307 and 506(ii) of IPC r/w Section 3(1)(r) 3(1)(s) and 3(2)(va) of SC/ST(POA) Act 2015 and altered into Sections 341, 294(b), 324, 307, 506(ii), 147, 148, 120(b) of IPC r/w Section 3(1)(r) 3(1)(s) and 3(2)(va) of SC/ST(POA) Act 2015 , in Crime No.79 of 2023 on the file of the respondent police, seek appeal bail.

4.The case of the prosecution in brief:

The defacto complainant lodged a complaint stating that he belongs to the SC community and he is doing painting works in his locality. Due to



Crl.A(MD)No.359 of 2023

previous animosity on 19.03.2023 at about 8.30 p.m., when the 3rd respondent went to pick her mother from the the Junction bus stand, the accused Nos.1 to 3 have come and uttered foul language against the 3rd respondent and attacked with sickle on his back and right side shoulder and thigh and the accused No. 3 attacked on his right side knee and left hand. The 3rd respondent's mother and his uncle alarmed the public in the occurrence spot, the accused persons threatened them with dire consequences and fled away from the occurrence spot. Thereafter, the 3rd respondent was admitted in the Tirunelveli Government Medical College Hospital and lodged a complaint before the 2nd respondent police. Based on the complaint, the 2nd respondent registered FIR against three named accused persons and the petitioner's name does not found in the FIR. The petitioner was arrested by the 2nd respondent police and remanded in judicial custody on 30.03.2023.

3.The appellant had filed bail application in Cr.M.P.No.1269 of 2023 before the learned II Additional District and Sessions Judge (PCR), Tirunelveli and the same was dismissed on 21.04.2023. Aggrieved over the same, the present appeal has been filed by the appellant.

4.The learned counsel for the appellant would submit that the 3rd



Crl.A(MD)No.359 of 2023

respondent without any material, made allegations against the petitioner.

There is no specific overt act against the petitioner. Only on the basis of the confession of the co-accused, the petitioner was added as accused in this case.

5.The learned Government Advocate (Crl. Side) would submit that the injured person in this case is still in hospital and taking treatment as in patient and if the petitioner is released on bail he will tamper the witnesses and hamper the investigation. He would also submit that there is a possibility of communal clash. Hence, he vehemently opposed the grant of bail to the petitioner.

6.In view of the submissions made by the petitioner that the injured person in this case is still in hospital and taking treatment as inpatient, this Court is not inclined to grant bail to the petitioner. This appeal deserves to be dismissed.

7.Accordingly, this criminal appeal is dismissed.

18.05.2023

Index : Yes/No
Internet : Yes/No
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Crl.A(MD)No.359 of 2023

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WEB COPY

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- 2.The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli..
- 3.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli. Cr.No.79/2023.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.A(MD)No.359 of 2023

T.V.THAMILSELVI,J.

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Crl.A(MD)No.359 of 2023

18.05.2023