



Crl.A.No.274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.274 of 2024

Johny @ John Paulraj

... Appellant

Vs.

1.State Rep. by
The Deputy Superintendent of Police,
Latheri Police Station,
Vellore District.
(Crime No.102 of 2011)

2.The Inspector of Police,
Latheri Police Station,
Vellore District.
(Crime No.102 of 2011)

3.Gowsalya

... Respondents

Prayer:

Appeal filed under Section 14(A)(2) of SC/ST Act, 1989 seeking to set aside the learned Court of Sessions, Special Court for SC/ST (POA) Act, Vellore in Crl.M.P.No.1055 of 2023 dated 14.09.2023 and enlarge the appellant on bail in pending trial in Spl.S.C.No.9 of 2020 on the file of the learned Court of Sessions, Special Court for SC/ST (POA) Act, Vellore.

For Appellant : Mr.R.Sasikumar
For Respondents : Mrs.G.V.Kasthuri for R1 and R2
Additional Public Prosecutor



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J U D G M E N T

The criminal appeal has been filed seeking to set aside the order dated 14.09.2023 passed in Crl.M.P.No.1055 of 2023 by the Court of Sessions, Special Court for SC/ST (POA) Act, Vellore.

2.The facts of the case is that the appellant is facing trial for the offence under Sections 147, 148, 302 r/w 109, 149 IPC, 3(2)(va) of SC/ST Act in Spl.S.C.No.9 of 2020 before the Court of Sessions, Special Court for SC/ST (POA) Act, Vellore and since he did not appear before the Court on 08.09.2022, NBW was issued against him and he was remanded on 24.08.2023. Thereafter the appellant filed Crl.M.P.No.1055 of 2023 before the trial Court for grant of bail and the said petition was dismissed. Hence, this appeal.

3.The learned counsel appearing for the appellant submitted that the appellant could not appear before the trial Court due to his detention in judicial custody in another case and his non appearance is neither willful nor wanton, however, the trial Court dismissed the petition filed by the appellant and prayed for grant of bail to the appellant.



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4.The learned Additional Public Prosecutor vehemently opposed for grant of bail to the appellant and submitted that apart from this case, the appellant is involved in 51 other cases out of which two cases ended in conviction and eight cases ended in acquittal and the other cases are pending trial.

5.Heard the learned counsel appearing for the appellant as well as the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6.Considering the fact that apart from this case, the appellant is involved in 51 other cases out of which two cases ended in conviction and eight cases ended in acquittal and the other cases are pending trial, this Court is of the opinion that if bail is granted to the appellant it may not be possible to conclude the trial in the pending cases. Hence, the criminal appeal is dismissed. The order dated 14.09.2023 passed in Crl.M.P.No.1055 of 2023 by the Court of Sessions, Special Court for SC/ST (POA) Act, Vellore, is confirmed.

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Index: Yes/ No

Speaking Order: Yes/ No NCC: Yes/ No

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M.DHANDAPANI,J.
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To

1.The Court of Sessions,
Special Court for SC/ST (POA) Act,
Vellore.

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