



CrI.A.No.568 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

CrI.A.No.568 of 2024

1. Murugan
2. Prabhakaran
3. Shanmugam @ Vinoth
4. Suresh
5. Kumar
6. Surya
7. Gopi
8. Chandru
9. Thamodharan
10. Rajesh
11. Rajendiraprasath @ Baga

...Appellants

Vs.

1. The Deputy Superintendent of Police,
Kaveripakkam Police Station,
Ranipet District.
2. The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
(Crime No.41 of 2024)
3. V.Eswari

...Respondents



Crl.A.No.568 of 2024

Criminal Appeal filed under Section 14A(2) Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 to set aside the order dated 23.04.2024 made in Crl.MP.No.411 of 2024 on the file of the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore and to enlarge the appellant on bail in connection with Crime No.41 of 2024 on the file of the 1st respondent police by allowing this Criminal appeal.

For Appellants : Mr.R.Sasikumar

For Respondent : Mrs. G.V.Kasthuri
Addl. Public Prosecutor, for R1 & R2
: Mr.G.Karunanidhi, for R3

J U D G M E N T

The Criminal Appeal has been filed as against the order of dismissal of Bail application in Crl.MP.No.411 of 2024 dated 23.04.2024 passed by the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore.

2. The case of the prosecution is that on 31.01.2024 at about 09.00 p.m., when the deceased Vivekanandan and one Ajith were riding a two wheeler, they were hit by a car driven by the 1st appellant/A1 and subsequently, all the accused conspired together and committed the murder of the deceased. Hence, the complaint.



CrI.A.No.568 of 2024

3. Learned counsel for the appellants submitted that the appellants are innocent and they were falsely implicated in a case registered for the offence under Sections 147, 148, 341, 302, 120B r/w 34 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (PoA) Amendment Act 2015 in Crime No.41 of 2024 and the accused A1 to A5 were remanded to judicial custody on 02.02.2024 and the accused A6 to A10 have voluntarily surrendered before the Judicial Magistrate Court, Ambur on 01.02.2024 and & A11 was remanded to judicial custody on 09.02.2024. Further, this Court, vide order dated 24.05.2024 granted interim bail in favour of the appellants 4, 5, 8, 10 and 11. He further submitted that the appellants are confined in Central Prison, Vellore for more than four months. Hence, he prays this Court for grant of bail to the appellants.

4. Learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that the appellants are habitual offenders and there are several previous cases pending against each of the appellants for the offences which are of heinous in nature. Hence, she vehemently opposed for grant of bail to the appellants.



5. On the above contention, this Court heard the learned counsel appearing for the 3rd respondent.

6. A perusal of the material documents placed on record particularly the counter affidavit filed by the respondent police reveals that, there were 16 previous cases pending against 1st appellant/A1 and he is a History Sheeted Rowdy in H.S.No.414 of 2019, in respect of the 2nd appellant/A2, he is a History Sheeted Rowdy in H.S.No.01 of 2023 and there are 3 cases pending against him, in respect of the 3rd appellant /A3, he is a History Sheeted Rowdy in H.S.No.01 of 2021 and there were 12 previous cases pending against him, in respect of the 6th appellant/A6, he is a History Sheeted Rowdy in H.S.No.03 of 2023 and there are 5 previous cases pending against him, in respect of the 9th appellant/A9, he is a History Sheeted Rowdy in H.S.No.09 of 2020 and there were 11 previous cases pending against him, in respect of the 7th appellant/A10, he is a History Sheeted Rowdy in H.S.No.28 of 2018 and there were 8 previous cases pending against him.



Crl.A.No.568 of 2024

7. Further, as there are no previous cases pending against the other accused persons i.e, 4th appellant/A4, 5th appellant/A5, 8th appellant /A8, 10th appellant/A7 and 11th appellant/A11, they were granted interim bail, vide order of this Court dated 24.05.2024 and the said interim bail granted in favour of the Appellants 4, 5, 8, 10 and 11 is made absolute.

8. Insofar as the appellants 1, 3 and 7, who are accused A1, A3 & A10 are concerned, as the previous cases pending against them are for offences which are of heinous in nature, this Court is not inclined to grant bail to them.

9. However, insofar as the appellants 2, 6 and 9, who are accused A2, A6 and A9 are concerned, as the previous cases pending against them are for offences which are not heinous in nature and also considering the period of incarceration, this Court is inclined to grant bail to the appellants 2, 6 and 9 alone.

10. Accordingly, this Criminal Appeal stands **dismissed** insofar as the appellants 1, 3 and 7 are concerned and **allowed** insofar as the



appellants 2, 6 and 9 are concerned and the appellants 2, 6 and 9 are directed to be enlarged on bail on condition that the appellants shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand Only)**each**, with two sureties, each for a like sum to the satisfaction of the learned Special Court of Scheduled Caste and Scheduled Tribes(Prevention of Atrocities) Act, Vellore and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the appellants shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the appellants shall not tamper with evidence or witness either during investigation or trial;

(d) the appellants shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the



CrI.A.No.568 of 2024

*appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.06.2024

skt

To

1. The Deputy Superintendent of Police,
Kaveripakkam Police Station,
Ranipet District.
2. The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
3. The Special Court of Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, Vellore.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent of Police,

7/8



Crl.A.No.568 of 2024

Central Prison, Vellore.

WEB COPY

M.DHANDAPANI, J.

skt

Crl.A.No.568 of 2024

24.06.2024