



Crl.A.No.741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.741 of 2024

Silambarasan

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Salem District.

2.The State rep.by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

3.Jansirani

... Respondents

PRAYER : Criminal Appeal filed under Section 14A (2) of SC/ST (POA) Amended Act, 2015, to set aside the order dated 14.05.2024 made in Crl.M.P.No.227 of 2024 in Spl.S.C.No.06 of 2021 on the file of the Special District Judge for (S.C & S.T. (POA) Act Cases) at Salem District and enlarge the appellant on bail to secure the ends of justice.



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Crl.A.No.741 of 2024

For Appellant : Mr.D.Balaji
For R1 and R2 : Mrs.G.V.Kasthuri
Additional Public Prosecutor

J U D G M E N T

This appeal has been filed challenging the order passed by the learned Special District Judge for (S.C & S.T. (POA) Act Cases) at Salem District, in Crl.M.P.No.227 of 2024 in Spl.S.C.No.06 of 2021, dated 14.05.2024.

2. The petitioner is an accused in Crime No.1182 of 2024 on the file of the second respondent Police for the offences under Sections 147, 148, 341, 302, 427 IPC r/w. Section 3 of TNPPDL Act @ Sections 147, 148, 149, 177, 419, 34, 120(b), 341, 302, 427 IPC and Section 3(1) of TNPPDL Act and Section 3(2)(v) of SC/ST (POA) Act. The petitioner was arrested and remanded to judicial custody on 28.12.2020. After completion of investigation, the second respondent Police has filed a final report and the same was taken on file in Spl.S.C.No.6 of 2021. The petitioner filed Crl.M.P.No.227 of 2024 in Spl.S.C.No.6 of 2021 before the learned Special



Crl.A.No.741 of 2024

District Judge for (S.C & S.T. (POA) Act Cases) at Salem District, seeking bail. The said petition was dismissed by the impugned order. Aggrieved by the same, the present appeal has been filed.

3. Heard Mr.D.Balaji, learned counsel for appellant and Mr.G.V.Kasthuri, learned Additional Public Prosecutor appearing for respondent.

4. Learned counsel for appellant submitted that a false case has been foisted against the appellant. The appellant has not committed any offence as alleged by the prosecution. The appellant is languishing in jail for more than three years. Submitting as above, learned counsel prays this Court to release the appellant on bail subject to conditions.

5. *Per contra*, learned Additional Public Prosecutor submitted that due to previous enmity, the appellant and the other accused persons attacked the defacto complainant's husband with Veecharuval and he was brought to



Crl.A.No.741 of 2024

the hospital, where he was declared as dead. The offences alleged against the appellant are grave in nature and the appellant is arrayed as A1 in this case. Apart from this case, 12 previous cases are pending against him . If the appellant is released on bail, he would threaten and tamper the witnesses. Submitting as above, the learned Additional Public Prosecutor vehemently objected to grant bail to the appellant.

6. This Court has considered the rival submissions.

7. On a perusal of the records, this Court finds that the appellant and the other accused persons attacked the defacto complainant's husband with Aruval, due to which, he died. The appellant is arrayed as A1 in this case and apart from this case, 12 previous cases are pending against the appellant. There are *prima facie* materials against the appellant. In a cases of this nature, bail cannot be granted when there are sufficient materials against the appellant. Considering the gravity of offence and the conduct of the appellant and the previous antecedent of the appellant, the Court below has



Crl.A.No.741 of 2024

rightly dismissed the petition. This Court finds that the order of the Court below does not require the interference of this Court.

8. Accordingly, this Criminal Appeal is dismissed.

27.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

The Special District Judge for (S.C & S.T. (POA) Act Cases) at Salem District.



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Crl.A.No.741 of 2024

M.DHANDAPANI, J.

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Crl.A.No.741 of 2024

27.06.2024