



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.876 of 2024

Thiyagu @ Thiyagarajan

...Appellant

Vs.

1. The Deputy Superintendent of Police,
Kanchitaluk Police Station,
Kanchipuram District.

2.The State represented by
The Inspector of Police,
Kanchitaluk Police Station,
Kanchipuram District.
Crime No.872 of 2013

3.K.Raghu

...Respondents

Prayer: Criminal Appeal filed under Section 14 A(2) of SC/ST Act, 2015 to set aside the order passed by the Principal Sessions Court, Chengalpattu, in Crl.M.P.No.1477 of 2024 in S.C.No.18 of 2015 dated 24.06.2024 and enlarge the appellant on bail.

For Appellant

: Mr.R.Thamarai Selvan



JUDGMENT

WEB COPY Challenging the dismissal order dated 24.06.2024 passed in CrI.M.P.No.1477 of 2024 in S.C.No.18 of 2015 by the Principal Sessions Court, Chengalpattu, this appeal has been filed seeking bail.

2. The appellant, who was the accused in Crime No.872 of 2013 which was registered for the offence punishable under Sections 120(B), 147, 148, 149, 341, 302 and 506(ii) IPC and Sections 3(1)(x) and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was arrested on 02.08.2022, pursuant to non-bailable warrant issued by the Principal Sessions Court, Chengalpattu and thereafter, he filed a petition before the Principal Sessions Court, Chengalpattu in CrI.M.P.No.1477 of 2024 seeking bail and the same was dismissed. Challenging the same, the present appeal has been filed.

3. Heard the learned counsel for the appellant, the learned Additional Public Prosecutor for the respondents 1 & 2 and perused the materials available on record.



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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 two 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 the offences alleged against the appellant are grave in nature and the appellant is arrayed as A2 in this case. Apart from this case, 82 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 is arrayed as A2 in this case and apart from this case, 82 previous cases are pending against the appellant, out of which, 11 cases are murder cases. 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 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.

09.07.2024

ssb

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

- 1.The Principal Sessions Court, Chengalpattu.
2. The Deputy Superintendent of Police,
Kanchitaluk Police Station,
Kanchipuram District.
- 3.The Inspector of Police,
Kanchitaluk Police Station,
Kanchipuram District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

ssb

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