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Crl.A.Nos.940, 944, 935 and 956 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 24.07.2024**

**CORAM**

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

**Crl.A.Nos.940, 944, 935 and 956 of 2024**

Gopi.V

... Appellant in all the Crl.As.

Vs.

1.The State Represented by  
The Assistant Commissioner of Police,  
Selaiyur Range,  
Chengalpattu District.

2.The State Represented by  
The Inspector of Police,  
Pallikaranai Police Station,  
In Crime Number.104/2024  
Tambaram.

... Respondents in all the Crl.As.

3.Sriram @ Sri  
3.Dinesh  
3.Jothilingam @ Jothi  
3.Stephenkumar  
4.Vishnuraj

... Respondent in Crl.A.940/2024  
... Respondent in Crl.A.944/2024  
... Respondent in Crl.A.935/2024  
... Respondents in Crl.A.956/2024

**Common Prayer:**

Appeals filed under Section 14 A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015 seeking to set aside the order made in Crl.M.P.Nos.1321, 1708, 1455 and 1573 of 2024 dated 14.06.2024, 03.07.2024, 14.06.2024 and 25.06.2024 respectively, passed by the learned Principal Sessions Judge of Chengalpattu and allow the appeal throughout.



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For Appellant : Mr.B.M.Subash  
For Respondents : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

### **COMMON JUDGMENT**

The criminal appeals have been filed seeking to set aside the order made in Crl.M.P.Nos.1321, 1708, 1455 and 1573 of 2024 dated 14.06.2024, 03.07.2024, 14.06.2024 and 25.06.2024 respectively, passed by the learned Principal Sessions Judge of Chengalpattu.

2.The learned counsel appearing for the appellant submitted that the appellant is the defacto complainant in Crime No.104 of 2024 on the file of the Pallikaranai Police Station registered as against the accused for the offence under Section 302 of I.P.C. and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. The learned counsel further submitted that A1's sister fell in love with the petitioner's son and both performed marriage. After marriage, accused A1 to A5 joined together and committed murder of the appellant's son. Hence the appellant preferred complaint before the law enforcing agency and the case was registered. After arrest, the accused filed petition seeking bail in Crl.M.P.Nos.1321, 1708, 1455 and 1573 of 2024 respectively before the learned Principal Sessions Judge



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of Chengalpattu and the learned Principal Sessions Judge of Chengalpattu vide orders dated 14.06.2024, 03.07.2024, 14.06.2024 and 25.06.2024 respectively, allowed the said petitions. Aggrieved by the same, the appellant has preferred these appeals.

3.The learned counsel appearing for the appellant further submitted that the first accused is a highly influenced person and he may tamper the prosecution witness unless necessary protection is given to the prosecution witness. The learned counsel prayed that this Court may issue direction to the law enforcing agency to ensure protection of the prosecution witness under the Witness Protection Scheme and further submitted that if any threat is given to the prosecution witness by the accused, liberty may be granted to the appellant to file complaint before the law enforcing agency.

4.The learned Additional Public Prosecutor on instructions, submitted that already A1, A4 and A5 returned back to their native place at Thiruvannamalai and that already necessary protection was given to the defacto complainant's family and if necessary, protection will be provided to all the witnesses under the Witness Protection Scheme.



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5.The submissions made by the learned Additional Public Prosecutor is recorded.

6.It is useful to extract hereunder the relevant portion of the decision of the Hon'ble Apex Court reported in **(1995) 1 SCC 349 (Dolat Ram Vs. State of Haryana)**:

*"4.Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a*



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*mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a nonbailable case in the first instance and the cancellation of bail already granted.”*

7.As per the decision of the Hon'ble Apex Court reported in **(1995) 1 SCC 349 (Dolat Ram Vs. State of Haryana)**, rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial.



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8. In the present case, no supervening circumstances have been established by the appellant. However, considering the submission made by the learned counsel for the appellant, this Court directs the law enforcing agency to provide necessary protection to the appellant/ defacto complainant's family and to the witnesses under the Witness Protection Scheme. If the accused/ private respondents intend to tamper the witnesses, liberty is granted to the appellant as well as the witnesses to file appropriate complaint before the law enforcing agency in the manner known to law.

9. These criminal appeals are accordingly closed.

24.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1. The Principal Sessions Judge of Chengalpattu.

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**M.DHANDAPANI,J.**  
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**24.07.2024**