



CrI.A.No.811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.811 of 2023

Kumaran

... Appellant

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.

2.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Ranipet District.

3.State Rep by,
Inspector of Police,
Walajahpet Police Station,
Ranipet District.

4.Manjula
5.Gopinath

... Respondents

[R5 Impleaded as per order of this
Court, dated 21.08.2023 in
CrI.M.P.No.12833 of 2023 in
CrI.A.No.811 of 2023]

PRAYER: Criminal Appeal filed under Section 14(a) of the Scheduled



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Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 19.12.2022 passed in CrI.M.P.No.639 of 2022 by the Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore and to enlarge the petitioner on bail in Crime No.491 of 2022 on the file of the respondent Police by allowing the above criminal appeal.

For Appellant	:	Mr.S.Yogarajasekar for M/s.Swami Subramanian
For R1 to R3	:	Mr.R.Vinothraja Government Advocate (CrI. Side)
For R4	:	No Appearance

JUDGMENT

The appellant has filed bail application in CrI.M.P.No.639 of 2023 before the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore in Crime No.491 of 2022 for offence under Sections 302, 201, 376, 379 of IPC r/w 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and the same was dismissed *vide* impugned order, dated 19.12.2022. Against which, the present criminal appeal is filed.

2.The learned counsel for the appellant submitted that the alleged date of occurrence is 22.10.2022 and unclaimed body was found on 07.11.2022 and thereafter on suspicion, the appellant arrested on 10.11.2022. Not considering this aspect, the bail application was dismissed.



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3.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that the appellant and deceased were in love affair with each other and later both of them married with separate persons. After the marriage, the appellant forced the deceased to continue relationship with him and he took her in a two wheeler to an isolated place and committed rape and murder and also took jewels of the deceased, kept it in his house and absconded. On the complaint of the Village Administrative Officer, a case registered and later on CCTV recordings, it was found that the appellant and deceased travelling in a two wheeler together. When the appellant called for enquiry, he was not available, absconded and later he was arrested. On his confession, the jewels of the deceased recovered from the house of appellant. Now the investigation completed, charge sheet filed on 04.01.2023 before the Lower Court and the same was taken on file in Special S.C.No.12 of 2023 on 16.03.2023. Now the case is posted for framing of charges on 20.08.2024. There are few witnesses and the trial itself can be completed within a stipulated period. Hence, he sought for dismissal of the present appeal.



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4.Considering the submissions and on perusal of the materials, it is seen that it is a case of murder for gain. The investigation completed and charge sheet filed before the Lower Court and the case is at the stage of framing of charges. The charges against the appellant are serious in nature.

5.In view of the above, this criminal appeal stands dismissed. The learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Vellore is directed to complete the trial in Special S.C.No.12 of 2023 within a stipulated period as expeditiously as possible. The Trial Court is reminded to follow Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

08.08.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

1.The Sessions Judge,
Special Court for trial of cases under SC/ST (POA) Act,

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Vellore.

- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Ranipet District.
- 3.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Ranipet District.
- 4.The Inspector of Police,
Walajahpet Police Station,
Ranipet District.
- 5.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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