



Crl.A.No.978 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

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

Crl.A.No.978 of 2024

1.Murugan/A1
2.Shanmugam @ Vinoth/A3
3.Gopi/A10

... Appellants

Vs

1.The Deputy Superintendent of Police,
Kaveripakkam Police Station,
Ranipet District.

2.State represented by
The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.

3.V.Eswari

... Respondents

Prayer : Criminal Appeal filed under Section 14 A (2) SC/ST (POA) Amended Act, 2015 to set aside the order made in Crl.M.P.No.708 of 2024 in Spl.S.C.No.16 of 2024 on the file of Special Court for SC/ST Act, Vellore, Vellore District and enlarge the appellants on bail.

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For Appellant : Mr.R.Sankarasubbu
for M/s.D.Balaji

For Respondents : Mrs.G.V.Kasthuri
Addl. Public Prosecutor [R1 & R2]
Mr.V.Gopinath [R3]

JUDGMENT

The Criminal Appeal has been filed as against the order dated 12.07.2024 made in Cr.M.P.No.708 of 2024 passed by the learned Special Court of SC/ST Act, Vellore and to enlarge the appellants on bail.

2. The case of the prosecution is that on 31.01.2024 at about 09.00 hours, when the deceased and one Ajith were riding on two-wheeler in front of Sunbeem School at Sumaithangi area, A1 hit the said vehicle through car, thereby, the deceased fell down from the vehicle along with the said Ajith. Immediately, the said Ajith escaped from the place of occurrence, subsequently, all the accused persons abused the deceased and also attacked him with knife on his fact and caused cut injury on the fact and head. Due to which, the deceased died.

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3. The appellants are A1, A3 and A10 and A1 and A3 were remanded to judicial custody on 02.02.2024 and A10 voluntarily surrender before Judicial Magistrate Court, Ambur on 01.02.2024 for the alleged offence u/s 147, 148, 341, 302, 120B, 34 of IPC r/w Section 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (PoA) Amendment Act, 2015. Thereafter, the appellants have filed a petition u/s 483 of BNSS seeking bail before the Special Court of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Vellore, Vellore District in Cr.M.P.No.708 of 2024, which was dismissed by the trial court vide impugned order dated 12.07.2024. Challenging the same, the appellants have filed the present appeal seeking bail before this court.

4. Learned counsel appearing for the appellants submitted that, though the trial court dismissed the petition filed by the appellants on the ground that there are several cases pending against the appellants, however the appellants have been falsely implicated in those pending cases, from which, all the cases are old cases and they are not new case and not heinous



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in nature and most of the pending cases are disposed. Further, he submitted that the appellants are confined in Central Prison, Vellore for more than 180 days. Accordingly, he prays this Court for grant of bail to the appellants.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submits that, as against 1st appellant/A1, 10 previous cases are pending, as against 2nd appellant/A3, 6 previous cases are pending and as against 3rd appellant/A10, 8 previous cases are pending. Hence, she vehemently opposed for granting bail to the appellants.

6. Learned counsel appearing for the third respondent submitted that the appellants have committed the offence u/s 302 in a broad day light, which is heinous in nature. Therefore, he opposed for granting bail to the appellants.

7. A perusal of the records reveals that, as against appellants 1 and 3, several cases are pending against them and all those cases are heinous in



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nature viz., 379 of IPC, whereas as against 2nd appellant, though few cases are pending against him, however, they were not heinous in nature. Considering the same, this Court is inclined to grant bail to the 2nd appellant, however, this court is not inclined to grant bail to the appellants 1 and 3.

8. Accordingly, the 2nd appellant is directed to be enlarged on bail on condition that the 2nd appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Special Court for SC/ST Act, Vellore, Vellore District 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 2nd appellant shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, until further



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orders;

(c) the 2nd appellant shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd appellant 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 2nd appellant in accordance with law as if the conditions have been imposed and the 2nd 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 2nd accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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9. Accordingly, the Criminal Miscellaneous Appeal is partly allowed.

02.08.2024

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To

- 1.The Special Court for SC/ST Act,
Vellore.
- 2.The Deputy Superintendent of Police,
Kaveripakkam Police Station,
Ranipet District.
- 3.The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Central Prison,
Vellore.

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M.DHANDAPANI,J.

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