



Crl.A.Nos.1040 & 1056 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.Nos.1040 & 1056 of 2024

Crl.A.No.1040 of 2024

1.Arumugam @ Aru
2.Selvam @ Sotta Selvam

... Appellants

Vs.

1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Ambattur, Chennai.

2.The Inspector of Police,
Ambattur Estate Police Station,
Chennai.

3.Kaviya

... Respondents

Crl.A.No.1056 of 2024

Srinivasan

... Appellant

Vs.

1.The Assistant Commissioner of Police,
Assistant Commissioner Office,
Ambattur, Chennai-600053.



Crl.A.Nos.1040 & 1056 of 2024

2.State through,
The Inspector of Police,
Ambattur Estate Police Station,
Thiruvallur District.
(Cr.No.682 of 2023).

3.Kaviya

... Respondents

PRAYER in Crl.A.No.1040 of 2024: Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order in Crl.M.P.No.4470 of 2024 dated 06.08.2024 passed by the learned Principal District & Sessions Judge, Tiruvallur and enlarge the appellants on bail in connected with Crime No.682 of 2023, on the file of the 1st respondent Police.

PRAYER in Crl.A.No.1053 of 2024: Criminal Appeal filed under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order, dated 06.08.2024 passed by the Principal District and Sessions Judge, Tiruvallur in Crl.M.P.No.4242 of 2024 against the petitioner/accused and enlarge the petitioner on bail in S.C.No.158 of 2024 on the file of the Principal District and Sessions Judge, Tiruvallur.



Crl.A.Nos.1040 & 1056 of 2024

For Appellants : Mr.Ilayaraja Kandasamy
in Crl.A.No.1040 of 2024
Mr.S.Petchiappan
in Crl.A.No.1056 of 2024

For R1 & R2 : Mr.R.Vinothraja,
Government Advocate (Crl. Side)
in both appeals

For R3 : Ms.T.Jothika in both appeals

COMMON JUDGMENT

The appellants who are A1 to A3 in Crime No.682 of 2023 for offence under Sections 302, 147, 148, 341, 120B, 149 of IPC and Sections 3(2)(v) of the Scheduled Cases and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, have filed bail applications in Crl.M.P.Nos.4470 & 4242 of 2024 before the learned Principal District and Sessions Judge, Tiruvallur and the same were dismissed *vide* impugned orders, dated 06.08.2024. Against which, the present criminal appeals filed.

2.The learned counsel for the appellants submitted that there are totally seven accused in this case except for the present appellants, all the other accused granted bail. The appellants are falsely implicated for statistical purpose. In this case, the deceased Nanthini had antecedents and



earned several enemies. Since the husband of Nanthini Sathish Kumar said to be murdered by one Balaji @ Bonda Balaji who happens to be the brother of A1 and A2 herein, the appellants falsely implicated in this case as though they are the reason for murder of Nanthini. Now, the investigation completed and charge sheet filed. Hence, there is no possibility of any interference by the appellants and the further detention of the appellants unwarranted.

3.The learned counsel for the 3rd respondent/defacto complainant strongly opposed the appellants' submissions stating that A1 in this case has fifteen cases, A2 has four cases, A3 has eight cases to their credit. They are all rowdy elements and committed the murder of the deceased Nanthini in a broad day light in public place. Now the 3rd respondent fears for her life for the reason that the appellants through others, are exerting pressure not to depose against them. In the event of appellants let on bail, likelihood of fair trial would get jeopardised. She further submitted that investigation completed and charge sheet filed and there are only limited witnesses. In any event, the entire trial can be concluded within a stipulated period.



WEB COPY

4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that on 17.12.2023 at about 12.00 hours, the 3rd respondent along with the deceased went to the death ceremony at I.C.F Colony and while returning to home, A1 and A2 joined with other accused assaulted the deceased with knife and made severe injuries on her body. The 3rd respondent shouted, public gathered and the accused escaped from the place. On the complaint of 3rd respondent, a case in Crime No.682 of 2023 for offence under Section 302 of IPC registered against the accused. Thereafter, the Investigating Officer visited the scene of occurrence, prepared Observation Mahazar, Rough Sketch, conducted inquest on the body of the deceased, sent the body for postmortem and recorded the statement of witnesses. On 18.12.2024, the Investigating Officer arrested A1, A2, A4, A5, A7 and obtained their confession statement and produced for remand. Based on the statements of witnesses and documents, the Sections altered to 302, 147, 148, 341, 120B, 149 of IPC and Sections 3(2)(v) of the Scheduled Cases and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and charge sheet filed before the Trial



Court and taken on file as S.C.No.156 of 2024. During trial, A4 to A7 were granted bail by the Trial Court. He further submitted that the bail applications of the present appellants dismissed for the reason that as against them several cases are pending at the stage of trial and investigation. If the appellants are released on bail, they would commit similar kind of offence and also threaten the witnesses not to depose against them. Hence, strongly opposed for grant of bail.

5.In view of the antecedents of the appellants who are having several cases to their credit, this Court is not inclined to interfere with the impugned order, dated 06.08.2024 in Crl.M.P.Nos.4470 & 4242 of 2024 passed by the learned Principal District and Sessions Judge, Tiruvallur and the same are confirmed. Accordingly, criminal appeals are dismissed.

6.The learned Principal District and Sessions Judge, Tiruvallur is reminded that as per Section 14(2) of the Scheduled Castes of Scheduled Tribes (Prevention of Atrocities) Act, 1989, the trial of the case to be completed within a period of two months posting the same on a day to day



Crl.A.Nos.1040 & 1056 of 2024

basis. Following the same, the Trial Court to complete the trial in S.C.No.158 of 2024 within a stipulated period since the appellants herein are in prison.

12.09.2024

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

vv2

Note: Issue order copy on 19.09.2024

To

- 1.The Principal District and Sessions Judge,
Tiruvallur.
- 2.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Ambattur, Chennai.
- 3.The Inspector of Police,
Ambattur Estate Police Station,
Chennai.
- 4.The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.A.Nos.1040 & 1056 of 2024

M.NIRMAL KUMAR, J.

vv2

Crl.A.Nos.1040 & 1056 of 2024

12.09.2024