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Crl.A.No.1064 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1064 of 2024

1.T.Murugan
2.T.Gopi

... 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 14A(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Amended Act, 2015 to set aside the order made in Crl.M.P.No.813 of 2024 in Spl.S.C.No.16 of 2024 on the file of the Special Court for SC/ST Act, Vellore, Vellore District and enlarge the appellants on bail to secure the ends of justice.



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For Appellants : Mr.R.Sankarasubbu
for Mr.D.Balaji

For R1 & R2 : Mr.R.Vinothraja
Government Advocate (Crl Side)

For R3 : Mr.I.Arockiaselvaraj

JUDGMENT

The appellants/A1 and A10 in Spl.S.C.No.16 of 2024 on the file of the Special Court for SC/ST Act, Vellore, Vellore District filed a bail application before the Lower Court in Crl.M.P.No.813 of 2024 and the same was dismissed by order dated 12.08.2024. Against which, the present appeal is filed.

2.The contention of the appellants is that there are totally 11 accused and except for these two accused all the other accused granted bail. He would submit that the reason for dismissal of earlier bail application filed by the appellants is that they had some previous cases. He further submitted that as regards the first appellant, the case against him is only under Sections 430 and 379 of Mines and Minerals Act. With regard to the second



appellant, the offence is under Criminal Law Amendment Act, Sections 379 and 430 of Mines and Minerals Act and Section 110 Cr.P.C. Hence, the cases against both the appellants are not of serious nature and on the other hand, the deceased Vivekanandan, there are 17 cases spanning over various Police Stations in the District of Ranipet, Kanchipuram and Chennai. He is a notorious person and he has got lot of enemies. He further submitted that the appellants have been falsely implicated in this case, in fact the appellants were in friendly terms and they have attended the birthday function of the children of the deceased. The appellants are in Prison for more than 230 days, investigation completed and charge sheet filed. Hence, prayed for bail.

3.The learned Government Advocate (Crl. Side) on the other hand strongly opposed the bail application informing that the deceased Vivekanandan had an intercaste marriage which offended the first appellant, who was questioning the deceased often and abusing him for the intercaste marriage. The deceased Vivekanandan is a social activist, who had been resisting illegal sand mining and smuggling of river sand and the appellants finding the deceased as an obstacle for their business engaged a group and when the deceased was coming in his motorcycle in the National Highway,



he was murdered using deadly weapons. He further submitted that to execute the murder, the accused travelled in two cars, in the first car A1 to A5 travelled and the other accused travelled in the second car. The first car dashed against the deceased, ensured fall of the deceased and assailants coming in the other car ensured the death of the deceased. The defacto complainant, wife of the deceased, even at the first instance while lodging the complaint had clearly narrated the motive of the first appellant to do away her husband. The first appellant/A1 attacked the deceased on his face using knife along with A2 to A5 and committed murder. A1 is a History sheeted rowdy in Kaveripakkam Police Station vide H.S.No.414 of 2019, having ten cases to his credit. The second appellant/A10 is a History sheeted rowdy in Arcot Taluk Police Station vide H.S.No.28 of 2018 having eight cases to this credit. He would further submit that there are thirty witnesses in the case and trial can be completed within a period within a period of two months as stipulated under Section 14(2) of the The Scheduled Caste and the Scheduled Tribes Act [SC/ST Act]. Hence, prayed for dismissal.

4.The learned counsel for the third respondent/defacto complainant



submitted that she is the victim wife of the deceased. She belongs to Most Backward Class and it was an intercaste marriage. The victim was harassed for the marriage and there was brewing enmity for this reason. The intercaste marriage of the deceased offended the communal pride of the accused which is the main reason for the murder and apart from this reason, the deceased resisted illegal sand mining activities of the main accused. Now the victim is orphaned with two children, aged about 5 years and 4 years. The victim apprehends danger and safety for her life and the two children and the fear for life and safety of the wife of the deceased and her children, the victim in this case cannot be abandoned to their fate. Hence, he strongly opposed granting of bail to the appellants.

5.Considering the submissions made and on perusal of the materials, finding the nature and the manner in which the offence executed and also considering the antecedents of the appellants, this Court is not inclined to interfere with the order passed by the Lower Court. However, the Trial Court is directed to complete the trial within the stipulated period as per Section 14(2) of the SC/ST Act.



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5.In the result, the Criminal Appeal stands dismissed.

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

- 1.The Deputy Superintendent of Police,
Kaveripakkam Police Station,
Ranipet District.
- 2.The Inspector of Police,
Kaveripakkam Police Station,
Ranipet District.
- 3.The Sessions Judge [FAC],
Special Court for SC/ST Act,
Vellore, Vellore District.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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