



Crl.A.No.1104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1104 of 2024

Sowkath Ali

... Appellant

Vs.

1.State.rep.by

The Assistant Commissioner of Police,
Annuparalayam Range,
Thirumuruganpoondi Police Station,
Tiruppur District.
Cr.No.5 of 2024.

2.Deenadhayalan

... Respondents

Prayer: Criminal Appeal filed under Section 14(2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Amendment Act, 2015, to allow the appeal and set aside the order passed in Bail Petition in Crl.M.P.No.43 of 2024 dated 20.08.2024 on the Special Court for Trial of Cases Under SC/ST (POA) Act Tiruppur District and release the appellant on bail pending Trial in Spl.S.C.No.66 of 2024 on the Special Court for Trial of Cases under SC/ST (POA) Act Tiruppur District.



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For Appellant : Mr.S.Parameswaran
For R1 : Mr.R.Vinothraja,
Government Advocate (Crl Side)
For R2 : Mr.R.Chakkaravarthy,
Legal Aid Counsel

JUDGMENT

The appellant/A1 in Crime No.5 of 2024 filed bail petition in Crl.M.P.No.43 of 2024 in Special S.C.No.66 of 2024 before the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur and the same was dismissed *vide* impugned order, dated 20.08.2024. Against which, the present criminal appeal is filed.

2.The learned counsel for the appellant submitted that the alleged occurrence said to have taken place on 02.01.2024 at about 11 hours and it is projected that the appellant along with two other accused assaulted the deceased with helmet, caused grievous injuries and done to death. Hence, the son of the deceased lodged a complaint and the case in Crime No.5 of 2024 registered. It is also projected that the appellant has got enmity against



the deceased since the deceased not gave any respect to him. On the date of occurrence, the deceased was found urinating on the compound wall of the appellant, hence the appellant questioned the same and said to have attacked the deceased. In this case, admittedly, no weapon used and the postmortem report confirms the injury caused by using blunt material. He further submitted that the appellant arrested on 03.01.2024 and he has been in prison for the past nine months. In this case, investigation completed, charge sheet filed, copies served and the case is posted for trial on 23.10.2024. For the purpose of formulating defence and to instruct his counsel, the appellant seeks bail.

3.The learned Government Advocate (Crl. Side) appearing for the 1st respondent Police filed counter and submitted that the appellant along with A2, who is a notorious history sheeter and A3, a juvenile used to cause havoc in the area. As against the appellant, eight cases are pending, of which three cases are NDPS Act. Due to his notoriety, the appellant gains identity and respect in the area. The deceased who is residing adjoining to the flat of the appellant belongs to marginalized community and the deceased not acknowledged the notoriety and not given any respect to the



appellant. Agitated over the same, the appellant along with his friends A2 and A3 assaulted the deceased using blunt object and committed the murder.

He further submitted that A2 to his credit got seven cases and his bail application was recently dismissed by the Trial Court on 09.10.2024. As regards A3 is concerned, since he is a juvenile, the case against him is pending before the Juvenile Court. In this case, investigation completed, charge sheet filed, copies served, charges framed and the case is posted for trial on 23.10.2024. The trial can be completed within a stipulated period as contemplated under Section 14(2) of The Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989. If the appellant and other accused let out on bail, the witnesses who are residing next to the appellant's residence may not in a position to depose freely. Hence, strongly objected for bail.

4.The learned counsel for the 3rd respondent submitted that in this case, the appellant is a notorious person having several criminal cases against him and he is also an history sheeter. His friend/A2 is an another history sheeter and A3 is a Juvenile. All are rowdy elements. A1 to A3 joined together and assaulted the deceased for the only reason that the



deceased who hails from marginalized community not shown any respect and reverence to the appellant. This attitude of the appellant is nothing but to show his dominant power. There is no serious dispute between the accused and deceased. He further submitted that son of the deceased and others witnesses are all residents near the house of the appellant and if the appellant is let out on bail, there will be threat and the trial would get jeopardized.

5.Considering the submissions and on perusal of the materials, it is seen that the appellant is a notorious person having eight cases to his credit, of which three cases are NDPS Act cases. Right from the year 2018, the appellant had been committing offence having cases one after other, but he has not shown any remorse changing his attitude. A2 is another history sheeter having seven cases including NDPS Act Cases. Now, investigation completed, charge sheet filed, copies served, charges framed and the case is posted for trial on 23.10.2024. Since the witnesses are residing near the house of the appellant, they would naturally have a fear to depose against the appellant. It is also seen that recently the Trial Court dismissed the bail application of A2 considering his antecedents and notoriety.



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6. In view of the same, this Court is not inclined to grant bail to the appellant. Accordingly, this Criminal Appeal stands dismissed confirming the impugned order, dated 20.08.2024 in Crl.M.P.No.43 of 2024 in Special S.C.No.66 of 2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur.

18.10.2024

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,
Tiruppur.
2. The Assistant Commissioner of Police,
Annuparpalayam Range,
Thirumuruganpoondi Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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