

CRL A(MD). No.768 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.07.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.768 of 2026

Marimuthu @ Oosi Marimuthu

... Appellant/
A9

Vs.

1. The State of Tamilnadu, Rep. by
The Deputy Superintendent of Police,
Pudukottai Town,
Pudukottai.

2. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
Crime No. 68/2026.

3. Pushpalatha

... Respondents

Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order in Crl.M.P.No.199 of 2026 in Spl.S.C.No.29 of 2026 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai, dated 30.06.2026 and to set aside the same and enlarge the appellants on bail in connection with the Crime No.68 of 2026 on the file of the respondent Police by allowing this Criminal Appeal.

For Appellant : Mr.D.Rameshkumar



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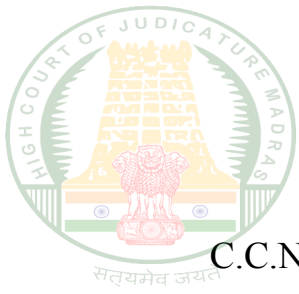
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For R1 and R2 : Mr.V.Shathurthi Raja,
Government Advocate (Crl. Side)
For R3 : Mr.G.Balakrishnan
Legal Aid Counsel

JUDGMENT

The appellant is the 9th accused in Cr.No.68 of 2026 on the file of Ganesh Nagar Police Station, Pudukottai District. He was arrested on 17.03.2026 on the confession statement of the 4th accused that he has provided asylum to the accused Nos.4 and 5, after the commission of offence, by taking them in his motorcycle to Mettupatti. The petition filed by the appellant seeking bail, before the Special Court for Trial of SC/ST Cases, Pudukkottai, in Crl.M.P.No.199 of 2026 was dismissed by the trial Court, by order dated 30.06.2026. Challenging the same, the appellant has filed this appeal, seeking bail.

2. The learned counsel appearing for the appellant submits that the occurrence had taken place on 12.03.2026 at Alangudi Bus Stop, which is 5 kms away from the Judicial Magistrate No.I, Pudukottai. According to the learned counsel, the appellant has also involved in another case in



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C.C.No.135 of 2024, in which, a Non-bailable Warrant was issued against him by the learned Judicial Magistrate No.I, Pudukkottai.

Therefore, the appellant, on 12.03.2026, surrendered before the learned Judicial Magistrate No.I, Pudukkottai, in C.C.No.135 of 2024 and filed a petition in Crl.M.P.No.311 of 2026 under Section 72(2) of BNSS to recall the Non-bailable warrant issued against him in C.C.No.135 of 2024. The said petition was allowed by the learned Judicial Magistrate No.I, Pudukkottai, by order dated 12.03.2026 in Crl.M.P.No.311 of 2026 and the non-bailable warrant issued against the appellant was recalled. The learned counsel has also produced a copy of the order dated 12.03.2026 before this Court. Therefore, the learned counsel for the appellant submits that on the date of occurrence, the appellant was present in the Judicial Magistrate Court No.I, Pudukkottai, from Morning till Evening. However, he has been roped as an accused in Cr.No.68 of 2026. The learned counsel further submits that in this case, the investigation has been completed and the case is posted for trial. Since the appellant is in jail, he is not in a position to arrange his defence for trial.



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3. The learned Government Advocate (Crl. Side) submits that this is a case of retaliation murder. The appellant had provided asylum to the main accused, namely, accused Nos.4 and 5 and he had taken them in his motorcycle from the place of occurrence to Mettupatti. According to him, the distance between the place of occurrence and the Judicial Magistrate Court No.I is 1.5 k.m. Therefore, according to him, the appellant had created alibi and had provided asylum to the main accused to commit the offence in Cr.No.68 of 2026. He further submits that apart from this case, the appellant is having nine (9) previous cases.

4. Though the notice was served on the 3rd respondent/defacto complainant and her name has been printed in the cause list, there was no representation for the 3rd respondent/defacto complainant. Since this is a case of retaliation murder, this Court, by order dated 24.07.2026, appointed Mr.G.Balakrishnan, learned counsel, as Legal Aid Counsel to defend the case of the defacto complainant.

5. The learned counsel for the 3rd respondent submits that this is a case of retaliation murder. The appellant had conspired with other

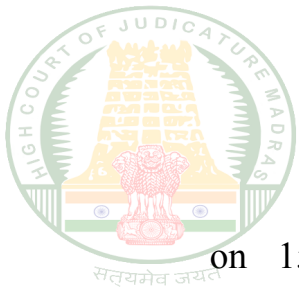


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accused and also provided asylum to the 4th and 5th accused. According to him, from the available materials, he had taken accused Nos.4 and 5 in his splendor motorcycle to Mettupatti.

6. This Court considered the rival submissions made.

7. The appellant was arrested on 17.03.2026 in Cr.No.68 of 2026 that he had provided asylum to the accused after the commission of offence. Admittedly, the occurrence had taken place on 12.03.2026. According to the learned counsel for the appellant, on the date of occurrence, at 10.30 a.m., the appellant surrendered before the learned Judicial Magistrate No.I, Pudukkottai, in connection with another case in C.C.No.135 of 2024 for the purpose of recalling the Non-Bailable Warrant issued against him and the non-bailable warrant was recalled only in the evening. Even according to the prosecution, the appellant is said to have provided asylum by taking accused Nos.4 and 5 in his motorcycle. With this available materials, the appellant was arrested on 17.03.2026 and he is in jail for the past four months. The investigation in Cr.No.68 of 2026 has been completed and final report was also filed



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on 15.05.2026 before the Special Court for SC/ST Act Cases, Pudukkottai. It is reported that in this case, the trial has commenced and the trial Court has issued summons to L.W.1 to L.W.3. Therefore, the appellant must have an opportunity to defend his case. However, considering the antecedent of the appellant, this Court is inclined to grant bail to the appellant with certain conditions.

8. Accordingly, this Criminal Appeal is allowed and the order dated 30.06.2026 made in CrI.M.P.No.199 of 2026 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai, is hereby set aside. The appellant is ordered to be released on bail on the following conditions:-

- i) The appellant shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of SC/ST Act Cases, Pudukkottai. Out of two sureties, one surety must be a Government Servant.
- ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address; In the event, if there is any change of address,



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the same shall be intimated to the respondent Police without fail.

iii) **The appellant shall appear before the respondent Police daily at 10.30 a.m. until further orders and co-operate for trial.**

iv) **The appellant and the sureties shall file an undertaking affidavit before the respondent police that the appellant will not misuse the liberty granted by this Court pending the trial in Spl.S.C.No.29 of 2026 and will not involve in any further offence in future.**

v) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

9. The Secretary, Tamil Nadu Legal Services Authority, Madurai Bench of Madras High Court, is directed to pay a sum of Rs.5,000/- (Rupees five thousand only) towards remuneration to the Legal Aid Counsel.

27.07.2026

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

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To

1. The Special Court for Trial of SC/ST Act Cases,
Pudukkottai.
2. The Superintendent,
District Prison,
Pudukkottai.
3. The Deputy Superintendent of Police,
Pudukottai Town,
Pudukkottai.
4. The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Secretary,
Tamil Nadu Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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