



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD) No.24 of 2018

Iyyappan

... Appellant / A1

vs.

The State
rep.by the Inspector of Police
Tirunelveli Town Police Station
Tirunelveli District
Cr.No.531/2015

... Respondent / Complainant

PRAYER: Criminal appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1/2016, to call for the entire records pertaining to the order in Cr.M.P.No.3428 of 2017, on the file of the II Additional District and Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail.

For Appellant : Mr.M.Karunanithi

For Respondent : Mr.M.Asokan
Government Advocate (Crl.Side)

O R D E R

The petitioner was arrested by the respondent - Police in Crime No.531 of 2015, for the offences under Sections 147, 148, 341, 307, 302 and 506(ii) I.P.C., and Sections 3(1)(2)(v) and 3(1)(x) of SC/ST (POA) Act, 1989 and he is in custody. The petitioner filed Cr.M.P.No.3428 of 2017, before the Special Court for SC/ST Act Cases, Tirunelveli, seeking for bail, which came to be dismissed on 05.12.2017. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.(MD) No.523 of 2017, before this Court and the same has been dismissed as withdrawn on 22.12.2017. Thereafter, the petitioner has filed the present appeal seeking for the same relief.

2. In the considered opinion of this Court, a second appeal will not be maintainable inasmuch as the earlier appeal i.e., Crl.A.(MD) No.523 of 2017 has been dismissed on 22.12.2017. Therefore, the present criminal appeal stands dismissed. However, liberty is given to the petitioner to file a fresh bail application before the Special Court for SC/ST Act Cases, Tirunelveli and if aggrieved by



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the order, he is entitled to file a fresh appeal before this Court in terms of Section 14-A of SC/ST (POA) Act, 1989.

/True Copy/

Sd/-
Assistant Registrar(P&A)

Sub-Assistant Registrar

To:

- 1.The II Additional District and
Sessions Judge,
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Superintendent, Central Prison, Palayamkottai
Tirunelveli District
(In duplicate communication to the detenu)

+One cc to Mr.M.Karunanithi, Advocate, SR.No.41613

krk
JM/7C/2P/SKN/RSK/SAR2/11/1/2018

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