



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 26.04.2019

CORAM

**THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**

Crl.A(MD)No.89 of 2019

Mohan @ Mundakkan Mohan : Appellant/Petitioner/A6

Vs.

1.State: The Assistant Commissioner of Police,  
Tirunelveli City,  
Palayamkottai Police Station.

2.The Inspector of Police,  
Palayamkottai Police Station.  
(Cr.No.196 of 2017) : R1 and R2/Complaints

3.Parvathi : R3/De-facto complainant

**Prayer:** Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 27.02.2018 passed in Crl.M.P.No.513 of 2019 in Cr No.197 of 2017 on the file of the II Additional District and Sessions Judge, Tirunelveli.

For Appellant : Mr.T.A.Ebenezar

For R1 and R2 : Mr.A.Robinson  
Government Advocate  
(Criminal side)

For 3<sup>rd</sup> Respondent : No appearance

### **JUDGMENT**

This Criminal Appeal has been filed against the order, dated 27.02.2018 passed in Crl.M.P.No.513 of 2019 in SC. No.93 of 2017 on the file of the II Additional District and Sessions Judge, Tirunelveli.

2.The Appellant/A6, who was arrested and remanded to judicial custody on 07.03.2017 in connection with a case in Crime No.196 of 2017 for the alleged offences under Sections 147, 148, 341, 294(b), 353, 302, 506(ii) IPC and Section 3 of Tamil Nadu Prevention of



Damage to Public Property Act and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Amendment, Act 2015 and 120(B) and 34 IPC, seeks appeal bail.

3. The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the appellant is in jail since 07.03.2017 and he is only bread-winner of the family.

4. The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that as per the confession of the co-accused, the appellant is the driver of the vehicle, who was also present in the scene of occurrence and that the appellant is having three previous antecedents and further in the year 2000, the appellant involved in Chennai Choolaimedu Madhan murder case and in 2001, he involved in Thisayanvilai Putheri Nagarajan murder case and he was in jail for the past 10 months in Central Prison, Palayamkottai and in the year 2006, he was arrayed as an accused in the murder case of Jacintha Pandian, wife of Pasupathy Pandian and in the year 2010, he was involved in Vedasery Peruvilai Mohan murder case and thereafter, he was detained under Goondas Act and further he was involved in Suchindram Forest Assistant Arumugan and his wife Yogeswari murder case and he was also having 10 hurt cases in Rajakkamangalam and Sucindram police station and hence, he has strongly opposed to grant bail to the appellant.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It seen from the records that the appellant along with the other accused involved in this case. It is also seen from the records that the appellant had also involved in several criminal cases, which are serious in nature. In view of the above circumstances, this court is of the considered view that if the appellant is released on bail, certainly, his presence will cause apprehension in the minds of the victim as well as the witnesses.

7. In view of that, this criminal appeal stands **dismissed**.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To



2. The Assistant Commissioner of Police,  
Tirunelveli City,  
Palayamkottai Police Station.

3. The Inspector of Police,  
Palayamkottai Police Station.

4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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26.04.2019

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KK/SAR/06.05.2019/ 3P- 5C