



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 25.09.2020

Pronounced On: 09.10.2020

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A. (MD)Nos.152, 246, 252, 288 and 289 of 2020

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Crl.A. (MD)No.152 of 2020

Sathishkumar ... Appellant / Accused No.8

Vs.

1.State rep. by

The Deputy Superintendent of Police,

CBCID, Namakkal

Crime No.2/2015

... Respondent/Complainant

2.V.Chitra

... 2nd Respondent/Defacto complainant

R2 impleaded as per order of this Court

dated 20.07.2020 in

Crl.A. (MD)No.152/2020.

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, praying to allow this Appeal and enlarge the appellant / Accused No.8 on bail and set aside the order in Crl.M.P.No.1462/2019 in Spl. S.C.No.31/2019 on the file of the learned III Additional District Judge (PCR), Madurai.

For Appellant : Mr.Gopala Krishna Lakshmana Raju
Senior Counsel

for Mr.S.G.L.Rishwanth

For R- 1 and R-2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R-3 : Mr.A.Raja

Crl.A. (MD)No.246 of 2020

1.Ragu @ Sridhar

2.Ranjith ... Appellants / Accused Nos.9 & 10

Vs.

1.State rep. by

The Deputy Superintendent of Police,

CBCID, Namakkal

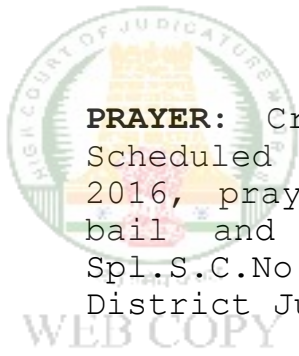
Crime No.2/2015

... Respondent No.1/Complainant

2.V.Chitra

... 2nd Respondent/Defacto complainant

<https://hcservices.ecourts.gov.in/hcservices/>



PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, praying to allow this Appeal and enlarge the appellants on bail and to set aside the order in Crl.M.P.No.1462/2019 in Spl.S.C.No.31/2019 on the file of the learned III Additional District Judge (PCR), Madurai.

For Appellants : Mr.Gopala Krishna Lakshmana Raju
Senior Counsel
for Mr.S.G.L.Rishwanth

For R- 1 and R-2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R-3 : Mr.A.Raja

Crl.A. (MD)No.252 of 2020

P.Suresh ... Appellant / Accused No.15

Vs.

1.State rep. by
The Deputy Superintendent of Police,
CBCID, Namakkal
Crime No.2/2015 ... Respondent No.1/Complainant

2.V.Chitra

R2 impleaded as per order of this Court
dated 28.08.2020 in Cr.M.P.(MD)
No.4280/2020 in Crl.A.(MD)No.252/2020.

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to grant bail to the petitioner in Spl.S.C.No.31 of 2019 on the file of the III Additional District Judge, (PCR), Madurai.

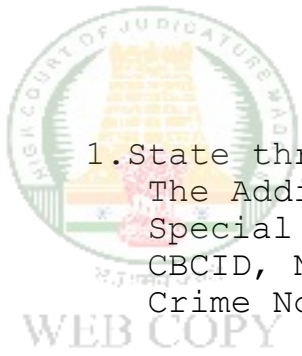
For Appellant : Mr.G.Murugendran

For R- 1 and R-2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R-3 :Mr.A.Raja

Crl.A. (MD)No.288 of 2020

Giridhar ... Appellant / Accused No.15



Vs.

1.State through

The Additional Superintendent of Police,
Special Investigation Division,
CBCID, Namakkal
Crime No.02/2015

... Respondent No.1/Complainant

2.V.Chitra

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, praying to allow this Criminal Appeal preferred by the appellant against the order passed by the learned III Additional Sessions Judge, (PCR), Madurai in Cr.M.P.No.576 of 2019, dated 26.06.2019.

For Appellant : Mr.J.William Christopher

For R- 1 and R-2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R-3 : Mr.A.Raja

Crl.A. (MD)No.289 of 2020

Prabhu ... Appellant / Accused No.A 14

Vs.

1.State through

The Additional Superintendent of Police,
Special Investigation Division,
CBCID, Namakkal
Crime No.02/2015

... Respondent No.1/Complainant

2.V.Chitra

... 2nd Respondent/Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, praying to allow this Criminal Appeal preferred by the appellant against the order passed by the learned III Additional Sessions Judge, (PCR), Madurai in Cr.M.P.No.580 of 2019, dated 26.06.2019.

For Appellant : Mr.J.William Christopher

For R- 1 and R-2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

For R-3 : Mr.A.Raja



COMMON JUDGMENT

These appeals have been filed against the order passed by the learned III Additional District Judge (PCR), Madurai and to enlarge the appellants on bail.

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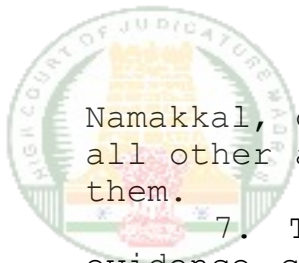
2. Crl.A.(MD)No.152 of 2020 was filed by one Satishkumar, who was arrayed as A8 in the charge sheet. Crl.A.(MD)No.246 of 2020 was filed by Ragu @ Sridhar and Ranjith, who were arrayed as A9 and A10 respectively. Crl.A.(MD)No.252 of 2020 was filed by one P.Suresh, who was arrayed as A16 in the charge sheet. Crl.A.(MD)No.288 of 2020 was filed by one Giridhar, who was arrayed as A15 and Crl.A.(MD)No.289 of 2020 was filed by one Prabhu, who was arrayed as A14 in the charge sheet.

3. A case was registered as man missing in Crime No.289 of 2015 by the Tiruchengodu Police on 23.06.2015. A case was registered by the Erode Railway Police in Crime No.90 of 2015 on 24.06.2015, under Section 174 Cr.P.C. Both the above cases are clubbed together and a case in Crime No.2 of 2015, was registered by the CBCID, Namakkal, on 21.09.2015. Initially the appellants herein were released on bail. Subsequently, the bail was cancelled by the learned Principal District Judge, Namakkal, on 07.07.2018 and all the accused were remanded to judicial custody. Against the order of the learned Principal District Judge, Namakkal, the appellants preferred these appeals.

4. On the side of the appellants / A8, A9 and A10 in Crl.A.(MD)Nos.152, 246 and 252 of 2020, it is stated that there is a dispute between A1 and the Principal District Judge. A1 demanded copies of the CCTV footage and prejudiced by the act of A1, the Principal District Judge, cancelled the bail to all the accused persons.

5. A1 approached this Court and obtained bail order. But, the Hon'ble Supreme Court cancelled the bail. A1 is still enjoying the bail order. All the other accused are in custody for the past 2 1/2 years. 72 witnesses are examined before the Principal District Judge, Namakkal. The case was transferred to III Additional District Judge, Madurai, on 08.05.2019. On 31.05.2019, the prosecution filed a petition under Section 311 Cr.P.C, to recall P.W.1, P.W.4, P.W.23, P.W.24 and P.W.30. Again, on 06.07.2019, the prosecution has filed a petition under Section 311 Cr.P.C, to add three more witnesses. M.O.Nos.36, 89, 93 and 94 are original CCTV footage and the copy of the same was not furnished to the appellants till today and the CCTV footage could not be opened by the witnesses.

6. No copy of the footage was served to the appellants and the first accused has agitated before the Principal District Judge,



Namakkal, demanding copies of the CCTV footage. It is stated that all other accused kept silent afraid of contempt proceedings against them.

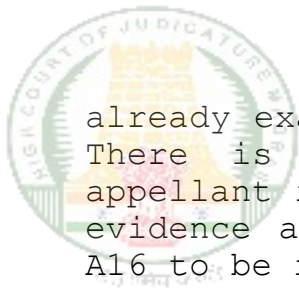
7. Though 86 witnesses were examined so far, there is no evidence connecting the accused with the occurrence. None of the witness deposed regarding conspiracy between the appellants and the other accused. LW.104, who is a Scientific assistant, has further examined the document sent by another scientific assistant, by name, Devaki/L.W.79. Both of them are Scientific assistants, there is no necessity to examine L.W.104.

8. There is no evidence for kidnapping the victim out of the temple or for murdering or for disposing the body. Out of 30 witnesses yet to be examined 17 witnesses are corroborating witnesses. Three witnesses are Doctors. Other Ten witnesses are police officials.

9. Just for demanding the Principal District Judge, for furnishing copies, the accused were kept in custody for the past 2 1/2 years. In Crl.A(MD).No.1757 of 2017, dated 10.10.2017, the Hon'ble Supreme Court has passed an order, directing the trial Judge to dispose of the case within a period of 18 months. There is no evidence to prove the case under Sections 302 and 120(b) I.P.C. against the appellants and prayed the appellants / A8 to A10 to be released on bail.

10. On the side of the appellant/ A16 in Crl.(MD)No.252 of 2020, it is stated that the only allegation against this appellant / A16 is only under Section 212 and 216 IPC, and has nothing to do with the murder. Section 120B and 302 are not applicable to the appellant / A16. The maximum punishment under Sections 212 and 216 IPC is only 5 years. The appellant / A16 was detained in custody for the past 3 years. All the allegations and evidences is only against A1. There is no material against this appellant / A16. There is no question of tampering the witnesses. The charges framed against this appellant / A16 is under Sections 212 and 216 IPC. Even the case of the prosecution is that this appellant/A16 came to the occurrence spot only after the occurrence. Accused Nos.2 to 10 are stated to be lastly seen with the deceased. No independent witness was examined. Co-accused/ Selvaraj was already released on bail, in Crl.A.No.154 of 2018, passed by this Court, dated 09.03.2018 and that bail order was not cancelled. The witnesses yet to be examined are only officials and prayed this appellant / A16 to be released on bail.

11. On the side of the appellant in Crl.A.(MD)No.252 of 2020, it is further stated that the prosecution has approached this Court for getting extension of time for the disposal of the case. Even if the accused was found guilty, the period of punishment itself might be over by now. Only the change of the circumstances has to be



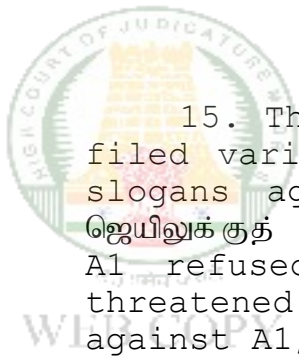
already examined. Only official witnesses are yet to be examined. There is no specific allegation against the appellant. The appellant is no way connected with the case. There is no witness or evidence against this appellant / A16 and prayed the appellant / A16 to be released on bail.

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12. On the side of the appellant/ Giridhar/ A15 in Crl.A.(MD) No.288 and the appellant / Prabhu / A14 in Crl.A(MD)No. 289 of 2020, it is stated that all the allegations are only against A1. The appellants are in custody for the past three years. Only officials are to be examined. There is no possibility for tampering official witnesses and there is no bad antecedents against the appellants. It is further stated that there is no necessity to keep the appellants in judicial custody during trial. There is no overtact against the appellants and prayed the appellants to be released on bail.

13. On the side of the prosecution, it is stated that there is a case of honour killing. The allegation is that one Gokul Raj, who was an Engineering student, belongs to Adi Dravidar Community, was brutally murdered. His friend / Swathi belongs to Kongu Vellala Gounder Community. All the accused belong to the same community. A1 is the president of a movement, by name, Dheeran Chinnamalai Gounder Peravai and the other accused were the office bearers of the above said movement. A1 used to conduct several meetings in the villages. On 07.06.2015, A1 conducted a meeting, in which he narrated the history of Gounder Community and he also instructed the crowd to teach a unforgettable lesson to other community people and to preserve the purity and supervisory of their own community. On 23.06.2015, the deceased and his friend / Swathi went to Arthanatheeswarar temple and they were chatting there. CCTV video footage clearly reveals the presence of eight of the accused, viz., A1, A2, A3, A8, A9, A11, A12 and A13 in the temple. They called upon the deceased and enquired about the particulars of his Caste, then they called upon Swathi and questioned her about her community.

14. Then, they took away the deceased leaving Swathi at the foot hills of the temple. They threatened the deceased to write down a suicide note. They took a video as if he committed suicide on his own wish. They changed the Number plate of the Car, brutally murdered the deceased by severing his head and placed the body on the railway track. The station master lodged a complaint before the Erode railway police station. A case in Crime No.90 of 2015, was registered. In the mean while, mother of the deceased lodged a complaint before the Tiruchengode police and a case in Crime No.289 of 2015 was registered and subsequently, offence under the SC/ ST Act was included. The Director General of Police ordered both the cases to be clubbed together in Crime No.2 of 2015 and ordered the case to be transferred to CBCID. 116 witnesses were examined by the police and charge sheet was laid against the accused.



15. The accused were not proper in attending the Court and they filed various petitions to drag on the case. They used to shout slogans against the Principal District Judge, such as "நீங்களும ஜெயிலுக்குத் தான் போகப்போகிறீர்கள்". At the time of framing of charges, A1 refused to sign the papers, again, he shouted slogans and threatened the Principal District Judge. Two cases are pending against A1, before the Magistrate, in this regard.

16. Since A1 got bail from this Court, the prosecution has filed a petition before the Hon'ble Supreme Court, seeking for cancellation of bail and the Hon'ble Apex Court has allowed the petition and cancelled the bail and also directed the trial Court to dispose of the trial within a period of 18 months. A13 was murdered by A12, who is the husband of A13. A17 was absconding and NBW is pending. Hence, the case against A17 was split up and was assigned Special Case No. 140 of 2018, which is pending before the Special Court. The Principal District Judge, Namakkal, examined 72 witnesses. The Complainant filed a petition for transfer of the case and the case was transferred to Madurai. 14 witnesses were examined by the Court in Madurai. totally 86 witnesses were examined, out of the remaining witnesses, some witnesses may be dispensed with by the prosecution.

17. It is stated that two days ago, a petition filed by A1 for bail was disposed of by the Hon'ble Supreme court with the direction to dispose of the case within a period of six months. The offence is grievance in nature. Trial is at the stage of closure. Co-accused absconded. One of the co-accused mishaved before the Principal District Judge and Two cases are pending against him. The bail petition of other co-accused were all dismissed by this Court. A1 is having 9 previous cases and he filed a petition in Crl.A.No.556 of 2018, seeking for bail, before this Court, and this Court has considered the order of the Hon'ble Supreme Court and discussed the various aspects and dismissed the bail petition. The relevant portion of the order reads as follows:

"3. Pursuant to the order of the Honourable Supreme Court, the appellant filed several petitions before the lower Court and some petitions were dismissed against which he preferred an appeal. The appellant also filed bail application in C.M.P.No.285 of 2018 in S.C.No.78 of 2018 and same was dismissed on 05.03.2018 by the learned Principle Sessions Judge, Namakkal against which the present appeal is filed by the appellant.

4. The learned counsel for the appellant would submit that initially the appellant implicated for major offences under Section 302 of IPC and Honourable Apex Court also passed an order that the appellant to remain in custody as a pre-trial prisoner until an order is passed by a competent Court. The appellant filed the bail



application before the lower Court. However, the lower Court dismissed the bail application without assigning any valuable reasons. The lower Court rejected the bail mainly on the ground that the appellant repeatedly filed petitions before the Sessions Court in order to drag the proceedings and thereafter on 19.12.2017 the appellant misbehaved with the Judicial Officers and refused to go out the witness box. Taking note to the above alleged conduct of the appellant, the bail petition was dismissed. According to the counsel for the appellant, the appellant is in custody for the past three years and therefore, he was constrained to file petitions to redress his grievance which cannot be said to be an adverse conduct.

5. The learned Government Advocate (Crl. Side) appearing for the state would submit that though initially this Court granted bail to the appellant in Crl.O.P. No.8350 of 2016. subsequently, the respondent/state filed an appeal before the Honourable Apex Court. The Honourable Apex Court allowed the appeal and directed the lower Court to complete the trial within a period of 18 months and that order was passed on 10th October 2017. Even today the Sessions Court is unable to complete the trial due to the attitude of the appellant and his non cooperation. Further the appellant misbehaved with the Session Judge and portrayed a rigid attitude. Apart from the above case, there are nine previous cases pending in different Courts in different stage against the appellant. The appellant is the Founder of Theeran Chinnamalai Gounder Peravai. The accused persons and other accused are followers and they had very strong affinity towards their caste, which has given rise to the instant murder in this case. Therefore, if the appellant is released on bail, there is every likelihood of a communal clash in the locality and therefore, he vehemently opposed for grant of bail.

6. Undisputed fact is that the appellant is one of the accused in Crime No. 2 of 2015 for the offences punishable under Sections 120(b), 364, 34 r/w 109 IPC, 384, 465, 471 r/w 468, 302, 201, 212, 216 and 3(2) (V) of SC/ST Act. Subsequently, this Court granted bail in Crl.O.P.No.8350 of 2016. Thereafter, the bail was cancelled by the Honourable Apex Court in C.A.No.1757 of 2017. After cancellation of bail, the relief of bail sought for by the appellant was dismissed by the Sessions Court on the ground that trial is pending and that the appellant is not extending his cooperation. On perusal of



the entire records, it could be seen that the appellant is the Founder President of Theeran Chinnamalai Gounder Peravai with followers having affinity to a particular Caste. It is alleged that the Caste to which the appellant belonged to had opposed inter-caste marriages and love marriages and targeted those who indulged in such ceremonies. It is also stated that there are several cases filed and pending against the appellant and they are under various stages of investigation and/or trial. Above all, the Sessions Judge recorded a specific finding that the appellant is adamant in character and he misbehaved during the course of trial. and on 19.12.2017, even after the Sessions Case was adjourned, the appellant misbehaved with the Sessions Judge and refused to get down from the box. Above all, the appellant raised slogans against the Judicial Officers.

18. On the side of the prosecution, it is further stated that only official witnesses are pending for examination. The prosecution is ready to complete the trial within the time limit prescribed by the Hon'ble Supreme Court and prayed the appeals to be dismissed.

19. By way of reply, on the side of the appellants, it is stated that the appellants never asked for adjournment for the cross examination of witness. All the accused were obliging the Court order and appeared before the Court every day. After the case was posted for committal, for six months, all the accused appeared every day, till the bail was cancelled i.e., on 07.08.2019. 311 petition filed by A11 was dismissed and NBW was issued. Subsequently, NBW was recalled, the accused was on bail. A7 is an Engineering graduate. All the accused were present. A11 is still enjoying the bail. The delay is not on the part of the defence side. Only the prosecution has filed various petition under Section 311 Cr.P.C. There is no question of contempt against the appellants and it was only against A1 alone. The refusal to sign during the time of questioning is only against A1 to A7 and not against these appellants.

20. The offence against the appellants is only conspiracy. Witness/ Swathi has not elicited anything against the appellants in her evidence. Even in the 164 statement she has only stated that 2, 3 persons were available in the temple and the deceased talked with them. They were alleged to have snatched her phone and enquired her and there was no whisper against this appellants. Kidnapping and murdering are the overtact against A1 to A6 and not against the others. Mere entering a temple will not be sufficient to prove conspiracy and that there is no evidence regarding the meeting of mind. The only evidence is the alleged CCTV footage, except this, there is no other evidence regarding the conspiracy. The hard disk of the CCTV footage is not opening and there is no question of tampering police officials. A11 is still appearing before the



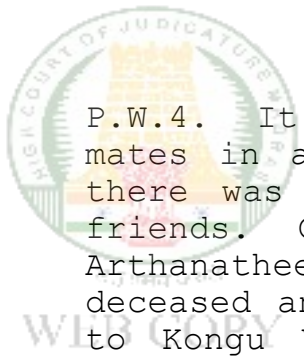
Court. There is no direct or secondary evidence against the appellants connecting them with the occurrence. The charge against the appellants is only abetment, there is no evidence against A8 to A10. All the private witnesses were already examined. The appellants are in jail for the past 2 1/2 years. A9 and A10 are brothers and they are suffering from physical ailments. A8 was newly married, except the bail petition no other petition was ever filed by the accused at any point of time.

21. On the side of the prosecution, it is stated that the accused were not regularly attending the Court, NBW against A17 is still pending. No copy application was filed by the accused, instead of requesting for the copies of the document, A1 shouted at the Principal District Judge for non-furnishing copies. The Hon'ble Supreme Court ordered the trial Court to dispose of the case within six months. There is no necessity to release the appellants on bail. Witness / Swathi has turned hostile. There is no change of circumstances to enlarge the appellants on bail.

22. On the side of the defacto complainant, it is stated that 164 statement recorded from the witness / Swathi and her evidence clearly reveals that she was threatened. CCTV footage clearly reveals the presence of A8 to A10. A1 and his associates threatened everybody to establish their supremacy and to preserve the purity of their own Caste. The accused refused to sign the papers, during questioning, regarding the charges. A1 threatened the Principal District Judge, twice. He has shouted at the Principal District Judge "கடவுள் உட்கார வேண்டிய இடத்தில் சாத்தான் உட்கார்ந்துள்ளது". If they do not like a particular officer, they can file a transfer petition. A2 to A16 kept silent and supported A1 in solidarity. The offence is an open threat against Society and against Article 17 of the Constitution of India. This offence is only a Caste terrorism. The evidence of Swathi clearly reveals that she sought for police protection and she has admitted that she identified one of the accused in the Salem prison. Only due to the threatening of the accused, the witness / Swathi turned hostile.

23. On the side of the appellants, it is further stated that all the allegations are against A1 and against A1 to A6. They misbehaved and the contempt proceedings are pending against them, but, at the time of questioning, accused A8 to A10 have signed the papers, without any agitation. Only the prosecution has filed a petition for producing additional evidence, even yesterday, it was the prosecution getting an adjournment. Except that A8 to A10 were present at the temple, nothing can be presumed against them.

24. On the side of the complainant, it is stated that originally the case against the appellants is not honour killing. Accused Nos.1 to 17 were no way connected with the family of P.W.4. It is a murder against love affairs between the members of two different communities. Accused are not even close relatives of

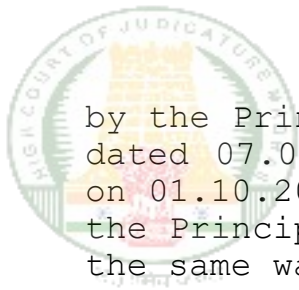


P.W.4. It is stated that P.W.4/Swathi and the deceased were classmates in an Engineering College. P.W.4/ Swathi has deposed that there was no love affair and that P.W.4 and deceased were only friends. On the date of occurrence, P.W.4 and the deceased went to Arthanatheeswarar temple at Tiruchengodu. Accused enquired the deceased and P.W.4 and they came to know that P.W.4/Swathi belongs to Kongu Vellala Gounder Community and the deceased belongs to Scheduled Caste community and they kidnapped the deceased and brutally murdered him. The only motive for the accused is to send a message to the public not to involve in any love affair with their community people. A1 to A17 belong to Theeran Chinnamalai Gounder Peravai and just to gain political influence among their own community, the appellants and other accused brutally murdered a young boy for no reason at all. The appellants and other accused were acted against the Constitution.

25. When the matter was posted for framing charges A1 shouted at the Judge loudly as " நீ இப்படியே செய்து கொண்டு இருந்தால் நீ ஜெயிலுக்குப் போவாய்". Later, he corrected himself as " நீங்கள் இப்படியே சட்டவிரோதமாக செய்து கொண்டிருந்தால் நீங்களும் ஜெயிலுக்குப் போவது உறுதி என்றும் நான் கேட்ட ரிக் கார்டுகளை தரவில்லை என்றால் நீங்கள் ஜெயிலுக்குத் தான் போவீர்கள்". Thereafter, the first accused refused to leave the open Court and he was taken away from the open Court forcibly by the police officials. Outside the Court hall also, A1 shouted before the press media like "கடவுள் உட்காரவேண்டிய இடத்தில் சாத்தான் உட்கார்ந்துள்ளது". A8 and other accused did not go away from the accused box and kept silent in order to support A1 and to facilitate him in the aggression made against the Principal District Judge. Only after A1 instructed them to go out, they left the accused box.

26. On 19.12.2017, all the accused intimidated the Principal District Judge, thereby, committing contempt of Court in the presence of Public, police officials and others. The Principal District Judge, Namakkal, recorded the statement of 23 witnesses on that date itself. Due to the mis-behaviour of the accused, the prosecution filed a petition for cancellation of bail. On 07.06.2018, the Principal District Judge, cancelled the bail order passed in S.C.No.31 of 2019, against the appellants / A8, A9, A10 and A15. After the pronouncement of the order, other accused agitated in the open Court from 05.30 p.m to 08.30 p.m, and shouted loudly asking for copy of the tamil translated version of the bail cancellation order.

27. The Principal District Judge, initiated criminal proceedings against A1 under Sections 200 Cr.P.C. r/w Sections 340 and 345 Cr.P.C and a complaint was filed before the learned Judicial Magistrate No.I, Namakkal, and was taken cognizance on 31.01.2018. After the examination of witnesses charges under Sections 174, 186, 188, 189, 228 and 506(i) I.P.C. in C.C.No.96 of 2018 was framed. Accused Nos. A8, A9 and A10 filed a revision before this court, in Crl.P.C.No.778 of 2018 , against the bail cancellation order passed



by the Principal District Judge, Namakkal, in C.M.P.No.1440 of 2017, dated 07.06.2018 and the same was withdrawn by the defence counsel on 01.10.2018. Thereafter, Accused No.8 filed a bail petition before the Principal District Court, Namakkal, in C.M.P.No.353 of 2019 and the same was dismissed on 08.03.2019.

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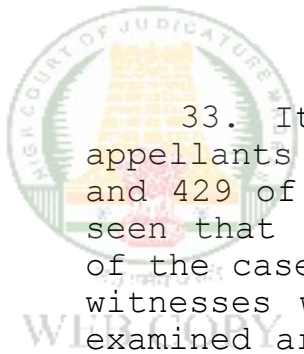
28. Again, Accused No.8 filed a bail petition before the Principal District Court, Namakkal, in CMP.No.566 of 2019, while the bail petition was pending before the Principal District Judge, Namakkal, On 08.03.2019, this Court in Crl.O.P.No.6030 of 2019, transferred the case to the Madurai III Additional District Judge and the bail filed by A8, was dismissed by the III Additional District Judge, Madurai, on 21.03.2019.

29. A1 was granted bail in Crl.O.P.No.8350 of 2016. Against the order, a petition was filed by the Superintendent of Police, before the Hon'ble Supreme Court and the Hon'ble Apex Court allowed the petition in Crl.A.No.1757 of 2017 in S.L.P.(Crl.)No.5998 of 2016 and set aside the bail order and fix a time limit to complete the trial within a period of 18 months, by its order, dated 10.10.2017.

30. Accused Nos.12 to 16 filed a petition before this Court which was dismissed on 13.09.2019. Again, on 13.10.2019, Accused Nos.8 to 10 filed a petition before the III Additional District Judge, Madurai, in Crl.M.P.No.1462 of 2019 and the same was dismissed on 04.02.2020.

31. The appellants play a vital role in the commission of the offence. The deceased was brutally murdered for the only reason that he was chatting with P.W.4/ Swathi, who belong to Kongu Vellala Gounder Community that is the Community of the appellants and others. Officials of the HR &CE Department have to be examined by the trial Court. The appellants had brutally murdered the deceased / Gokulraj by severing his head and place the same on the railway track as if the deceased committed suicide. The statement of P.W.4/ Swathi was recorded under Section 164 Cr.P.C.. The appellants and others are influential persons having money and muscle power, they will tamper the witnesses. CCTV footage and the photographs have to be marked. There is possibility of tampering the evidence. One of the accused A17, who was originally granted bail, was absconding and the case against A17 was split up in S.C.No. 140 of 2018, on the file of the PCR Court, Namakkal. The trial is in the crucial stage, if the appellants are released on bail, there is every possibility for tampering the evidence or for threatening the witnesses and also they may abscond to prolong the case and prayed the appeals to be dismissed.

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



33. It is seen that already the bail petition filed by the appellants / A14 to A16 and another, in Crl.A.(MD)Nos.408, 424, 428 and 429 of 2019 were dismissed by this Court, on 30.09.2019. It is seen that the Hon'ble Supreme Court has passed an order to dispose of the case within a period of six months. Out of 116 witnesses, 86 witnesses were already examined. Most of the witnesses yet to be examined are only official witnesses. The prosecution has promised to complete the trial enabling the trial Court to dispose of the case with in the time limit prescribed by the Hon'ble Supreme Court. In view of the fact that the connected bail petitions are dismissed by various Court and considering that the Hon'ble Supreme Court has ordered for the disposal of the case with in the prescribed time, releasing the appellants on bail, at this stage, may cause delay in disposal of the case.

34. It is seen that the offence is grave in nature. Whether there is any overtact against the appellants, whether there is evidence against the appellants cannot be decided before the completion of the trial. The alleged motive for the occurrence is communal hatred which is against the Constitution.

35. In the above circumstances, all these criminal appeals are dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

- 1.The III Additional District Judge (PCR),
Madurai.
- 2.The Deputy Superintendent of Police,
CBCID, Namakkal.
- 3.The Additional Superintendent of Police,
Special Investigation Division,
CBCID, Namakkal
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



5. The Superintendent Central Prison, Madurai.

6.The Section Officer, Criminal Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

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Crl.A. (MD)Nos.152, 246, 252, 288
and 289 of 2020
09.10.2020

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