



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.11.2021

CORAM

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**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. A. (MD)No.426 of 2021

Ajith @ Pappaali

... Appellant/Petitioner/A1

Vs.

1.The Deputy Superintendent of Police,  
Rural Sub Division,  
Pudukkottai Police Station,  
Thoothukudi.

2.The Inspector of Police,  
Pudukkottai Police Station,  
Thoothukudi District.  
(Crime No.501/2020)

... Respondents/Respondent/Complainant

3.Periyanayagam

... 3<sup>rd</sup> Respondent/3<sup>rd</sup> respondent  
/De-facto Complainant

**Prayer :** This criminal appeal is filed under Section 14-A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records and set aside the order dated 08.09.2021 made in Crl.M.P.849/2021 in S.C.No.10 of 2021 on the file of Sessions Judge, Special Court for trial of the cases under SC/ST (POA) Act, Thoothukudi and enlarge the petitioner on bail.

For Appellant

: Mr.V.Malaiyendran

For R1 and R2

: Mr.K.Sanjay Gandhi

Government Advocate

For R3

: Died

#### JUDGMENT

The allegation raised by the petitioner is that the petitioner committed an offence under Section 341, 294 (b), 302, 506(ii) and 120 (b) of IPC and Section 3 (1) (r), 3 (2) (Va) and 3 (2) (V) of SC/ST (POA) Act. The petitioner was arrested on 03.09.2020. The petitioner filed a petition for bail in Crl.M.P.No.849 of 2021 in S.C.No.10 of 2021 and that petition was dismissed by the Special Court for trial of the cases under SC/ST Act, Thoothukudi. Against the order, the petitioner referred the



appeal.

2. On the side of the appellant, it is stated that the Court below had erroneously held that there was a threat to the life of the complainant. The petitioner never threatened the defacto complainant and never abused the defacto complainant uttering his caste name and the petitioner was falsely implicated in the case and the proceedings under the Goondas Act was revoked by the High Court. The investigation was already over and charge sheet was filed. The petitioner is in confinement for the past 275 days. The petitioner is having a permanent residence. A case in Crl.A.No.242 of 2021 filed before this Court was dismissed on 12.07.2021. A subsequent bail petition before the Special Court was dismissed on 08.09.2021 and this is the second bail appeal before this Court and prayed the appeal to be allowed.

3. On the side of the prosecution, it is stated that totally three accused involved in the offence. The petitioner is A1 in the case and he attacked the complainant with Aruval and the petitioner is having seven previous cases he is a history-sheeted rowdy and History Sheet No.01 of 20 is maintained.

4. On the side of the petitioner, it is stated that out of the seven previous cases, one case is registered under the NDPS Act and the other cases are under 506 (ii) IPC and this false case foisted against the petitioner just because he questioned the illegal conduct of the deceased with his relative Annamal.

5. It is seen that already charge sheet was filed in this case in S.C.No.10 of 2021. Considering the previous antecedents of the petitioner and considering the fact that the case is ripe for trial, this court is not willing to release the petitioner on bail. The appeal is herein dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

Note: In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Sessions Judge,  
Special Court for Trial of SC/ST (PoA) Act,  
Thoothukudi.

2.The Deputy Superintendent of Police,  
Rural Sub Division,  
Pudukkottai Police Station,  
Thoothukudi.

3.The Inspector of Police,  
Pudukkottai Police Station,  
Thoothukudi District.  
(Crime No.501/2020)

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

Copy to:

The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

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**NA(CO)**

**RS/SKN (23.11.2021) 3P 7C**