



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.442 of 2021

WEB COPY

P.Gopi @ Gopinath

.. Appellant/Petitioner/Accused

Vs.

State rep. by,

1.The Assistant Commissioner of Police,
Tallakulam Sub-Division,
Koodal Pudhur Police Station,
Madurai City.

(In Crime No.212 of 2021)

.. 1st Respondent/Respondent/
Complainant

2.Arumugam

.. 2nd Respondent/
Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14A (2) of Scheduled Caste/Scheduled Tribes Act, 1989, as amended by Act 1 of 2015, to set aside the order of the III- Additional District Judge for PCR Act Cases, Madurai, in Crl.M.P.No.966 of 2021, dated 27.08.2021 and to enlarge the appellant on bail in Crime No.212 of 2021, on the file of the first respondent police.

For Appellant	: Mr.M.Jegadeesh Pandian
For R1	: Mr.K.Sanjay Gandhi Government Advocate
For R2	: R.Alagumani

JUDGMENT

This Appeal has been filed to set aside the order of the III Additional District Judge for PCR Act cases, Madurai in Crl.M.P.No.966 of 2021, dated 27.08.2021 and to enlarge the appellant on bail in Crime No.212 of 2021 on the file of the first respondent police.

2.The case of the prosecution is that there is some motive between the deceased-Praveenkumar and one Muruganantham @ Anand. On 11.04.2021, at about 10.00 am., Muruganantham and others took Praveenkumar from his house and subsequently, he was found dead. A case was registered against six persons, in Crime No.212 of 2021, under Section 147, 149, 302 of I.P.C and Sections 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Act. The appellant himself surrendered before the Peraiyur Judicial Magistrate and he was taken into police custody on 02.08.2021 till 04.08.2021. The

<https://hccpcsb.csb.gov.in/fis/index/>



the III Additional District and Sessions Judge, Madurai. That petition was dismissed by the Sessions Judge. Against the same, the appellant has preferred this Appeal.

3. On the side of the appellant, it is stated that the complaint was only against six persons and the name of the appellant is not found place in the F.I.R. Based on the confession statement of the arrested accused, the appellant was impleaded in the case. It is wrong to state that the appellant instigated the others to commit the offence. The appellant has no motive against the deceased. Except the confession, there is no materials available against the appellant. Final report was already filed and the co-accused were already enlarged on bail. Pendency of previous case cannot be a ground for dismissing a bail petition. The appellant is having medical problems (Urine Bladder Bulge) and he is taking treatment and prayed the appellant to be released on bail.

4. On the side of the prosecution, it is stated that F.I.R was registered against six un-named persons and the appellant was impleaded as the seventh accused. Eight previous cases, including another murder case, are pending against the appellant. Charge sheet was filed on 25.08.2021 and the same was taken on file as C.C.No.173 of 2021. The complainant is facing life threat and if the appellant is released on bail, he may tamper the witnesses. The occurrence has taken place only due to the communal hatred and prayed the appeal to be dismissed.

5. On the side of the second respondent/ defacto complainant, it is stated that a gruesome murder has been committed in this case. The motive is only communal hatred. The defacto complainant and his family members are in danger. If the appellant is released on bail there may be life threat for the defacto complainant and his family members.

6. It is seen that the appellant voluntarily surrendered before the Court on 22.07.2021. The investigation was already over and the charge sheet was filed and the same was taken on file as C.C.No.173 of 2021. It is seen that the appellant is having previous cases and both the private respondent and the prosecution are having objection stating that there is a life threat to the complainant and his family members. It is seen that co-accused were released only on statutory bail.

7. Considering the previous antecedents of the appellant and considering the seriousness of the offence and also considering the representation made by the defacto complainant, this Court is not inclined to release the appellant on bail, at the present



8. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

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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 Judicial Magistrate,
Peraiyur, Madurai District.
- 2.The Chief Judicial Magistrate,
Madurai.
- 3.The III-Additional District Judge for PCR Act Cases,
Madurai.
- 4.The Principal District Judge, Madurai.
- 5.The Assistant Commissioner of Police,
Tallakulam Sub-Division,
Koodal Pudhur Police Station,
Madurai City.
- 6.The Superintendent,
Central Prison, Madurai.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 8.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

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