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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.445 of 2021

Muthumurugan ... Appellant/Petitioner/
Accused Rank Not Known

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.200 of 2018) ... 1st Respondent/Respondent/
Complainant

2.Petchi Raj ... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Revision Case filed under Sections 397 r/w. Section 401 Cr.P.C., to set aside the order made in Crl.M.P.No.983 of 2021 dated 04.10.2021 on the file of the learned Special Court for Trial of cases under SC/ST (POA)Act, Thoothukudi and enlarge the appellant on bail on Crime No.200 of 2018 registered on the file of the first respondent.

For Appellant : Mr.V.Angusamy
For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1

No Appearance for R2

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Crl.M.P.No.983 of 2021 dated 04.10.2021 on the file of the learned Special Court for Trial of cases under SC/ST (POA)Act, Thoothukudi and enlarge the appellant on bail.

2. A case in Crime No.200 of 2018 was registered against the appellant under Sections 302, 109, 120(b) r/w 302, 201 of I.P.C. and under Sections 3(2) (v) of SC/ST(POA) Act. The appellant has filed a bail petition in Crl.M.P.No.983 of 2021 before the Special Court, Thoothukudi. That petition was dismissed by the Special Court. Against that order, the appellant has filed this appeal.

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3. On the side of the appellant, it is stated that the appellant's wife was teased by the victim. The defacto complainant is an accused in another murder case. The appellant is in custody for the past 85 days and prayed the appellant to be released on bail.

4. On the side of the prosecution, it is stated that this is a double murder case. Totally 4 accused involved in the offence. The appellant is arrayed as A.2 and he is having 4 previous cases. A.1 in this case attacked the Police and murdered a Police Officer. A.2 died in the encounter by the Police. A.4 was murdered by way of retaliation. The appellant was absent before the Court and N.B.W. was issued. Only by forming a special team the appellant was arrested. If the appellant is released on bail, there is a chance for him to abscond again.

5. It is seen that already Charge Sheet was filed before the Tirunelveli Court and the same was transferred to the Special Court, Thoothukudi and the same was taken on file as S.C.No.101 of 2020. N.B.W. was issued against the appellant and he was arrested by the Police on 23.11.2018 and he is in custody. It is seen that two of the accused already died. The security of the appellant himself is questionable. It is seen that the appellant has involved in four other cases. If released, there is a chance for the appellant to abscond again and thereby, the trial of the sessions case will be affected. In view of the above circumstances, this Court is not inclined to release the appellant on bail at this stage. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Special Court for Trial of cases under SC/ST (POA)Act,
Thoothukudi.

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2.The Deputy Superintendent of Police,
Eral Police Station,
Thoothukudi District.

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

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_RD(5.01.2022) 3P 4C

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