



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.A.(MD)Nos.110 & 111 of 2022

WEB COPY

1. Santhanakaruppu

2. Prabhu @ Prabhukumar

... Petitioners in Crl.A.(MD)No.110 of 2022

Sangesh @ Sangesh Kumar

... Petitioner in Crl.A.(MD)No.111 of 2022

Vs.

1. State rep by its

The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.

2. State rep. by

The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No. 537 of 2021)

3. Ashok Kumar

... Respondents

Common Prayer: These Criminal Appeal Petitions filed under Section 378(3) Cr.P.C. to set aside the order passed by the Learned III Additional District Judge, (PCR Cases), Madurai in Crl.M.P.No.25 of 2022 & Crl.M.P.No.26 of 2022 and enlarge the appellants on bail in Crime No. 537 of 2021 on the file of the 2nd respondent.

For Petitioners : Mr.V.Vijayasethupathy

For Respondent : Mrs. M.Aasha
R1 & R2 Government Advocate (Crl. Side)

COMMON JUDGMENT

These Criminal Appeals have been filed to set aside the order passed by the learned III Additional District Judge, (PCR Cases), Madurai in Crl.M.P.No.25 of 2022 and enlarge the appellants on bail in Crime No. 537 of 2021 on the file of the second respondent.

2.In this case, there are totally six accused, in which, the petitioners are A3, A6 & A5. The case of the prosecution is that



one Vijaya Kumar fell in love with the *defacto* complainant's sister and got married four years back. The said Vijayakumar belonged to a Scheduled Caste community and on 19.12.2021, when the *defacto* complainant and his family members returned to Madurai from Palani, the accused persons threatened the *defacto* complainant by cell phone and warned his deceased brother-in-law. On the same day the *defacto* complainant and his brother-in-law went to liquor shop, at that time, the accused persons attacked the deceased with knife. Therefore, he sustained grievous injuries and on the way to hospital he died. Due to which, the second respondent registered a case in crime No.537 of 2021, for the offence punishable under Section 147, 148, 302 IPC r/w 3(2)(v) of SC/ST (POA) Act.

3.The learned counsel for the appellant submitted that they are innocent and not committed any offence as alleged by the prosecution. Only the first accused is having specific overt act in the case. That apart, they are arrested and remanded in judicial custody. The investigation is also almost completed.

4.The learned Government Advocate (Crl.Side) submitted that all the petitioners are having previous cases, similar in nature.

5.It is a case of murder and honour killing. Since the victim deceased belonged to a Scheduled Caste community and got married with other community girl and as such the accused persons murdered the deceased. That apart, all the accused persons are jointly went to the place of occurrence, attacked the deceased with a knife. Each of the accused is having specific overt act. Therefore, the court below rightly dismissed the petition. This Court finds no infirmity or illegality in the order passed by the Court below.

6.Accordingly, these Criminal Appeals stands dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 III Additional District Judge,
(PCR Cases),
Madurai.
2. The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.
3. The Inspector of Police,
Silaiman Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.VIJAYASETHUPATHY, Advocate (SR-10061[F] dated
04/03/2022)

Crl.A. (MD) Nos. 110 & 111 of 2022

02.03.2022

RK(21/03/2022) 3P 6C