



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.03.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE G.K.ILANTHIRAIYAN**

Crl. A(MD) No.224 of 2022

Ajith @ Pappaali

... Appellant/ Petitioner/
1st Accused

Vs.

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

2.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

(Cr.No.501/2020).

... Respondents 1 & 2/ Complainant

3.Periyanayagam

...Respondent/ Defacto Complainant

PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989, to set aside the order passed in Cr.M.P.No.139/2022 dated 25.02.2022 on the file of the Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi and enlarge the Appellant on bail.

For Appellants : Mr.KA.Raamakrishnan

For R1 & R2 : M/s.M.Aasha

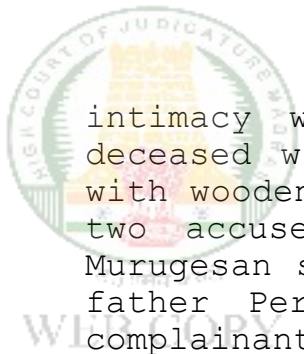
Government Advocate

JUDGMENT

The present Criminal Appeal has been filed to set aside the impugned order, dated 19.01.2022 made in Crl.M.P.No.14 of 2022 in Spl.S.C.No.18 of 2014, on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST Act, 1989, Sivagangai.

2. The petitioner submits that the petitioner is alleged to have committed an offence U/s 341, 294(b), 302, 506(ii) IPC and 120B of IPC and Section 3(1)(r), 3(2)(Va) and 3(2)(V) of SC/ST (POA) Act 2015, along with two accused Muneeswaran and Essaki Selvam.

3. The case of the prosecution is that on 02.09.2020 at about 5.30 P.M near Periyanagipuram cremation ground in a vacant site the accused picked up quarrels with the deceased for the illicit



intimacy with another woman and the petitioner/accused cut the deceased with the knife on his head and A2 attacked the deceased with wooden roller on his head and Essakiselvam instigated the other two accused to attack the deceased Murugesan and the deceased Murugesan succumbed to injuries and the FIR given by the deceased's father Periyannagam is based on hearsay version of the defacto complainant about the occurrence, as if his son-in law and Muthunayagam told him about the occurrence and the alleged occurrence is said to have taken place on 02.09.2020 at about 5.30 PM and it was reported to Pudukkottai Police Station at 8.00 PM eight kilo meter away from the place of occurrence. The petitioner was arrested and remanded to Judicial custody on 03.09.2020. Since then the petitioner/accused has been in the jail for more than 1 ½ years.

4. The learned counsel for the petitioner would submit that all the co-accused have been released on bail and it is further submitted that the petitioner/accused has been falsely implicated and roped into many criminal cases in order to make him history sheeter and the petitioner/accused is an innocent and he has not committed any offences as alleged by the prosecution and he has permanent residence with his family and as such he will not abscond and he is arrayed as A1 in this case. The petitioner/accused was illegally detained under Goondas act and the same was quashed by the Hon'ble High Court of Madras, Madurai Bench and he has not been convicted in all the cases in which the petitioner/accused has been falsely implicated and the charge sheet is filed and the charges were framed against them and the case is formally posted to 03.03.2022. The petitioner/accused offers sufficient sureties for his appearance before the court, if he is released on bail.

5. The learned Additional Public Prosecutor would submit that so far prosecution has examined some of the witnesses and the case stands posted for further examination of witnesses.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the antecedents of the petitioner and also the fact that PW.1 was examined in this case, this Court is not inclined to allow the appeal.

7 Hence the Criminal Appeal stands dismissed. However the trial Court is directed to complete the trial proceedings in SC No. 10 of 2021 within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:-

1. The Sessions Judge,
Special Court for trial of cases under SC/ST (POA) Act,
Thoothukudi.

WEB COPY

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

3. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

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

Crl.A(MD)No.224 of 2022
18.03.2022

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