



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 03.01.2022
CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.514 of 2021

Dhanush @ Dhanuskodi .. Appellant/Petitioner/Accused No.3

Vs.

1.State rep. By,
The Deputy Superintendent of Police,
Eral Police Station,
Tuticorin District. .. Respondent/Respondent/Complainant

2.State rep. By,
The Inspector of Police,
Eral Police Station,
Tuticorin District.

3.Petchiraj .. 3rd Respondent/3rd Respondent/
Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act, to set aside the order in Crl.M.P.No.742 of 2021 in S.C.No.101 of 2020 on the file of the learned Sessions Judge, Special Court for trial of the cases SC/ST (POA) Act, Thoothukudi.

For Appellant	: Mr.P.Aju Tagore
For Respondents 1 and 2	: Mr.R.M.Anbu Nithi
	Additional Public Prosecutor
3 rd Respondent	: Present

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.742 of 2021 in S.C.No.101 of 2020 on the file of the learned Sessions Judge, Special Court for trial of the cases SC/ST (POA) Act, Thoothukudi.

2.A case in Crime No.200 of 2018 under Sections 302, 109, 120 (b), 201 of IPC and Section 3(2)(v) of SC/ST (POA) Act was registered against the appellant. The appellant has filed a bail application in Cr.M.P.No.742 of 2021 before the learned Sessions Judge, Special Court for trial of Cases registered under SC/ST (POA) Act, Thoothukudi. That petition was dismissed by the trial Court on 24.08.2021. Against the same, the appellant has filed an appeal in Crl.A.(MD)No.244 of 2021 before this Court and the same was



dismissed by this Court on 15.07.2021. Again the appellant has preferred this Criminal Appeal.

3.On the side of the appellant, it is stated that out of four accused, A1 and A4 died and only A2 and A3 are facing trial. The alleged motive is that the witness teased the wife of the appellant. The name of the appellant was not found place in the FIR. The appellant was produced before the Court on non bailable warrant. Without issuing notice or summon, straight away warrant was issued on the appellant. The appellant is in custody from 01.12.2020 onwards and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that the appellant is A3 in the case. The alleged offence is double murder. The summon was issued. A4 was murdered as retaliation. The appellant has filed an anticipatory bail petition and the same was dismissed on 08.12.2021. A3 is having 25 previous cases. Out of 25 previous cases, four cases were convicted, 14 cases are pending trial, two cases are under investigation and four cases are referred cases. After getting bail, the appellant absconded for one year and then only he was arrested. Witness summon was also served. If the appellant was released on bail, there is possibility of the appellant to abscond again and the earlier bail application filed by the appellant was dismissed by this Court and prayed the appeal to be dismissed.

5.On the side of the appellant, it is further stated that the cases registered against the appellant are simple in nature. Without serving summon or notice, non bailable warrant was issued.

6.It is seen that non bailable warrant was pending against the appellant for a period of one year and then only the appellant was arrested on 01.12.2020. The offence is double murder. There are 24 previous cases against the appellant. It is seen that the co-accused was murdered by way of retaliation. If the appellant is released on bail, there is chance for the appellant to abscond again and the personal safety of the appellant is also questionable.

7.In view of the above, this Court is not inclined to grant bail to the appellant. Hence, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mrn



To

- 1.The Sessions Judge,
Special Court for trial of Cases
registered under SC/ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Eral Police Station,
Tuticorin District.
- 3.The Superintendent of Prison,
Central Jail, Palayamkottai.
- 4.The Inspector of Police,
Eral Police Station,
Tuticorin District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. A. (MD) No. 514 of 2021
03.01.2022

MGJ(12.01.2022) 3P 6C