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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02/12/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.A(MD)No.612 of 2022
and
Cr1.MP(MD)No.11954 of 2022

1.Manikandan @ Dinesh Kumar
2.Karthick
3.Ajithkumar
4.Praveen

: Petitioners/A1 to A4

Vs.

1.State through
The Deputy Superintendent of Police,
Oddanchathiram Sub Division,
Crime No.156 of 2022 of Oddanchatram
Police Station,
Dindigul District.

: 1st Respondent/
Petitioner

2.Sakthivel

: 2nd Respondent/
De-facto Complainant

Prayer:- This Criminal Appeal has been filed under section 14A(1) of SC and ST (POA) Amendment Act, 2015, to call for the records and to set aside the order passed in Cr.MP No.484 of 2022, dated 16/09/2022 on the file of the Special Court for Exclusive trial of cases under SC/ST(POA) Act, Dindigul, in Crime No.156 of 2022 on the file of the 1st respondent police.



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For Petitioner : Mr.V.Kathirvelu,
Senior counsel
for Mr.R.Mathiyalagan

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.T.Thirumurugan

O R D E R

This Criminal Appeal has been preferred against the order of cancellation of bail passed by the Special Court in Cr.MP No.484 of 2022, dated 16/09/2022.

2.The facts in brief:-

One Sakthivel, who is the de-facto complainant filed a complaint, on 01/04/2022 stating that the accused persons have committed the offences punishable under sections 294(b), 323, 506(ii) IPC r/w section 3(1)(r), 3(1)(s), 3(1)(m), 3(2)(Va) of SC/ST (POA) Amendment Act, 2015. In this connection, a case in Crime No.156 of 2022 was registered by the first respondent police. On the basis of the above said case, the accused persons moved Cr1.OP(MD)No.6404 of 2022 before this court to consider their bail application on the same day on their surrender



3. Seeking relaxation of the condition, petition was filed by the accused persons in CrI.MP No.49 of 2022 before the Special Court, on 25/04/2022 stating that they have been complying the condition regularly from 25/04/2022 for 12 days without any default. In the meantime, the prosecution filed a petition, on 25/04/2022 in CrI.MP No.484 of 2022 before the Special Court seeking relaxation of the bail on the ground that they have not met the condition that was imposed by the court with respect to the political party, they also threatened to file a complaint against the complainant.



4, On the basis of the complaint given by the de-facto complainant, again, a case in Crime No.203 of 2022 was registered, on 22/04/2022 for the offences under sections 143, 286 and 506(ii) IPC. That is also pending investigation. It is further stated that continuous trouble has been by the accused persons. So summon was issued to the accused persons to produce the vehicle, which is involved in the above said occurrence. But that was not produced. Apart from that, it is also stated that previous cases are also pending against A1 in Crime Nos. 129 of 2012, 478 of 2019 and 728 of 2011, against A2 and A4 in Crime No.540 of 2021 is also pending.

5. In the above said cancellation bail petition, appellants filed counter. On 16/09/2022, the Special Court has passed an order of cancellation of bail. Against which, this criminal appeal has been preferred by the accused persons as appellants.

6. Heard both sides.

7. The learned Senior counsel appearing for the appellants would submit that the cancellation of bail



petition, that was filed before the Special court by the prosecution is not valid under law. On the date of the above said order, petition has been filed by the appellants seeking relaxation of the condition and that was also pending for more than five months without any orders. But stating that the de-fact complainant has been threatened by the appellants, a case has been registered. On the date of registration of the case as well as the date of the alleged subsequent occurrence alleged to have been taken place, they appeared before the concerned police.

8.As per the direction of this court, the concerned Investigating Officer is present before this court. The court made enquiry as to what actually happened. For that he would submit that he went to the spot and made enquiry and found that subsequent occurrence was found to be true.

9.Perusal of the CD file shows that the accused persons also made some sort of allegation against the Investigating Officer stating that the Investigating Officer with the support of a particular political party



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foisted the case. But this court need not consider much on this issue. But here, the allegation made is that the appellants did not produce the vehicle involved in the above said case. in spite of specific direction issued to the appellants to produce the vehicle before the concerned Investigating officer. So on that basis, the matter was adjourned and on the adjournment date, it was represented to the court that the vehicle does not belong to the appellant. Again it was clarified by the prosecution to the effect that the above said vehicle has been mortgaged to A1 and that particular information was suppressed.

10. Again, the learned Senior counsel would submit that a direction may be issued to the appellants to appear before the respondent police to give statement with regard to the mortgage, etc.

11. But I am unable to accept this line of argument. They have chosen to take the excuses. This itself shows their conduct. So I am of the considered view that since the appellants are not cooperating with the respondent police to complete the process of



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G. ILANGO VAN, J

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