



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/11/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.A(MD)No.732 of 2022

Dhanush @ Dhanuskodi : Appellant/Petitioner/A3

Vs.

1.State rep. By
The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Tuticorin District.

2.State rep. By
The Inspector of Police,
Eral Police Station,
Tuticorin District. : R1 and R2/Complainants

3.Petchiraj : R3/R3/De-facto Complainant

Prayer: Criminal Appeal is filed under section 14-A(2) of the SC/ST (POA) Act, to set aside the order, dated 01/07/2022 passed in Cr.M.P No.1158 of 2022 in SC No.101 of 2022 on the file of the Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Thoothukudi and enlarge the appellant on bail.

For Appellant : Mr.P.Aju Tagore

For R1 and R2 : Mr.S.Manikandan
Government Advocate
(Crimnal side)

For 3rd Respondent : No appearance

**J U D G M E N T**

WEB COPY

This Criminal Appeal has been filed seeking to set aside the order, dated 01/07/2022 passed in Cr.M.P No.1158 of 2022 on the file of the Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Thoothukudi and enlarge the appellant on bail.

2.The facts in brief:-

It is a case of double murder of two persons namely Vinoth and Ramachandran, who were done to death by the accused persons. The petitioner/A3 and one of the deceased namely Vinoth were close friends. When the appellant/A3 was in jail, the above said Vinoth was misbehaved with the wife of the appellant/A3. Due to it, all the accused persons conspired together and murdered the deceased persons. The appellant/A3 was arrested, on 27/11/2016 and later, he was released on bail. Thereafter, after completing the process of investigation, final report was filed before the trial court and it was taken cognizance in Special SC No.101 of 2020 by the Special Court for trial of cases under SC/ST (POA), Act, Thoothukudi.



3. Pending trial process, on 17/09/2019, the appellant did not appear before the trial court. So, the trial court issued NBW against the appellant and he was arrested on 01/12/2022. The appellant moved the trial court in Cr.M.P No.742 of 2021. That petition was dismissed by the trial court, on 24/08/2021. Against which, the appellant approached before this court twice. But on both the occasions, the criminal appeal filed by the appellant were dismissed.

4. Now seeking bail, the present criminal appeal has been preferred by the appellant.

5. This is the third criminal bail appeal that was filed by the appellant stating that even at the time of filing this appeal, this appellant was shown as absconding accused and no summon was issued, in spite of that, he was secured and remanded to custody and for the past 2 years, he is in custody and the trial has not commenced so far.

6. The earlier bail appeals came to be dismissed on the ground that the appellant is involved in more than 23



cases and he is also a history sheeted person. Considering the bad antecedents of this appellant, those bail appeals were dismissed.

7.The learned counsel appearing for the appellant would submit that the Special Act is not attracted against the appellant in the facts and circumstances of the case. Apart from that, it is also contended that it is not the case of double murder.

8.But reading of the entire file shows that due to teasing of the appellant's wife by the deceased Vinoth, he was done to death and the other person, who was available along with the above said person was also done to death. So it is seen that it is a case of double murder. If the appellant is enlarged on bail, he may abscond and delay the trial process. At the same time, since the trial has not commenced so far, because of the non-availability of the in-charge Presiding Officer, a direction may be issued to the concerned Presiding Officer, who is holding in-charge to complete the process of trial within a stipulated time.



WEB COPY

9. In view of the above facts, this Criminal Appeal is dismissed. But however, considering the incarceration period of the appellant, there shall be a direction to the concerned in-charge Presiding Officer to expedite the trial process and complete the same within a period four months from the date of receipt of a copy of this order.

10. With the above said direction, this criminal appeal stands **dismissed**.

29/11/2022

Index: Yes/No
Internet: Yes/No
er

To,

1. The Sessions Judge,
Special Court for Trial of SC/ST (POA) Act cases,
Thoothukudi.
2. The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Tuticorin District.
3. The Inspector of Police,
Eral Police Station,
Tuticorin District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



6

G. ILANGO VAN, J

er

Cr1.A(MD)No.732 of 2022

29.11.2022