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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02/12/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.A(MD)No.743 of 2022

Ayyappan

: Appellant/A5

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Cheranmahadevi,
Tirunelveli District.

2.State represented by
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.

(Crime No.408 of 2021)

: R1 and R2/Complainants

3.Sangilimuthu

: R3/De-facto Complainant

Prayer:- This Criminal Appeal has been filed under section 14A(2) of SC and ST (POA) Amendment Act, 2015, against the order passed in Cr.MP No.2492 of 2022, dated 07/11/2022 on the file of the II Additional Principal Sessions Judge-cum-PCR Court, Tirunelveli.



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For Appellant : Mr.S.Micheal Heldon Kumar
For R1 and R2 : Mr.SS.Madhavan
Government Advocate
(Criminal side)
For 3rd respondent : No appearance

J U D G M E N T

This Criminal Appeal has been filed seeking to set aside the order passed in Cr.MP No.2492 of 2022, dated 07/11/2022 by the II Additional Principal Sessions Judge-cum-PCR Court, Tirunelveli.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint, on 15/09/2021 stating that one Mariappan has stated that her husband, who went to Senkulam kanmai at about 6.30 am was murdered nearby the area and on the above said information, she along with others went to the spot and found that her husband was murdered and his head was severed and his left leg and left hand were also amputated. Suspecting that the other community people are responsible for the above said murder, she lodged a complaint. In this connection, a case in Crime No.408 of



2021 was registered for the offence under sections 302 IPC and section 3(2)(v) of SC/ST (POA) Act.

3. During the course of investigation, the involvement of this petitioner and others came to light. Totally 10 accused are arrayed. During the course of investigation, it was found that it is a case of retaliation, because of the communal issue between two community people and this petitioner was arrested on 16/09/2021 and remanded to judicial custody.

4. Seeking bail, he filed a petition before the concerned court. But that was dismissed on 07/11/2022. Against which, this criminal appeal has been preferred.

5. Heard both sides.

6. The learned counsel appearing for the appellant would submit that absolutely, there was no eye witness for the above said occurrence and only based upon the confession statement of the co-accused, this appellant has been arrayed as an accused; absolutely, there is no involvement by the appellant and he is in custody from



9.If the appellant is released on bail, then there is every likelihood of absconding and causing trouble to the other community people and also to the witnesses in this case.

10.In the result, this criminal appeal is **dismissed.**

02/12/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The II Additional District and Sessions Judge,
(PC), Tirunelveli.
- 2.The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Cheranmahadevi,
Tirunelveli District.
- 3.The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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