



Crl.A(MD)No.824 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.824 of 2022

- 1.Sabari alias Mohana Sabarinath
- 2.Karthick
- 3.Moorthi alias Udayamoorthi ... Appellants/Accused 1 to 3

Vs.

- 1.The State represented by
The Deputy Superintendent of Police,
Thiruchendur Sub-division,
Thiruchendur,
Thoothukudi District. ... 1st Respondent/Complainant
- 2.The State represented by
The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
(Crime No.110 of 2022) ... 2nd Respondent/Complainant
- 3.R.Suresh ... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Amendment Act), 2015, to set aside the order passed in Cr.M.P.No.1634 of 2022 in S.C.No.25 of 2022 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi (FAC) and enlarge the petitioners/accused No.1 to 3 on bail in connection with the Sessions Case in S.C.No.25 of 2022 on the file of the Special Court.



Crl.A(MD)No.824 of 2022

WEB COPY

For appellant : Mr.M.Muthu Ganesh
For R-1 & R-2 : Mr.B.Nambiselvan
Additional Public Prosecutor
For R3 : Mr.S.Poorna Chandran
Legal Aid Counsel

J U D G M E N T

This Criminal Appeal has been filed to set aside the order passed in Cr.M.P.No.1634 of 2022 in S.C.No.25 of 2022 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi (FAC) and enlarge the petitioners/accused No.1 to 3 on bail in connection with the Sessions Case in S.C.No.25 of 2022 on the file of the Special Court.

3.The appellant, who was arrested and remanded to judicial custody on 02.06.2022, for the offences punishable under Sections 294(b), 302, 506(ii), 109, 120(b) of IPC, Section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Amendment Act 2015 @ 294(b), 302, 506(ii), 34 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Amendment Act 2015, in Crime No.110 of 2022 on the file of the respondent police, seek appeal bail.

4.The case of the prosecution is that the petitioners/accused scolded the deceased and the defacto complainant by using their caste name and



Crl.A(MD)No.824 of 2022

murdered the deceased with aruval and threatened the life of the defacto complainant.

5.The learned counsel for the petitioner submitted that all the petitioners/accused persons are detained under Goondas Act as per order dated 15.06.2022. Since Goondas Act has been invoked the petitioners are not entitled for bail at this stage, even though they are in custody more than 160 days.

6.The learned Additional Public Prosecutor submitted that it is a case of retaliation murder. On earlier occasion, one person who belongs to the opposite community was killed by the petitioners' community people and only as retaliation, the brother of the defacto complainant was done to death.

7.The learned counsel appearing for the defact complainant submitted that there is specific overt act has been attributed against the petitioners in the FIR.

8.Considering the specific overt act attributed against the petitioners and considering the fact that already the petitioners are detained under



Crl.A(MD)No.824 of 2022

Goondas Act, this Court is of the considered view that this appeal cannot be considered at this stage.

9. Accordingly, this criminal appeal is dismissed.

12.12.2022

Index : Yes/No
Internet : Yes/No
TM

To

1. The Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi.
2. The Deputy Superintendent of Police,
Thiruchendur Sub-division,
Thiruchendur,
Thoothukudi District.
3. The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A(MD)No.824 of 2022

G.ILANGO VAN,J.

TM

Crl.A(MD)No.824 of 2022

12.12.2022