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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	03/03/2023
Date of Pronouncement	08/03/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.A(MD)No.139 of 2023

M.Pandi @ Paulpandi : Appellant/A7

Vs.

1.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.

2.State rep. by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(In Crime No.374 of 2022) : R1 and R2/Complainants

3.Mrs.Rajeswari : R3/De-facto complainant

Prayer: Criminal Appeal is filed under section 14-A(2) of SC/ST (POA) Amended Act, 2015, to call for the records and set aside the order passed in Cr.M.P No.23 of 2023, dated 05/01/2023 passed by the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi (FAC), Thoothukudi District and to enlarge the appellant on bail.



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For Appellant : Mr.S.Anto Prince
For R1 and R2 : Mr.B.Nambiselvan
Additional Public Prosecutor
For 3rd Respondent : Mr.S.Poornachandran

J U D G M E N T

This Criminal Appeal has been filed seeking to set aside the order passed in Cr.M.P No.23 of 2023, dated 05/01/2023 passed by the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi (FAC), Thoothukudi District and to enlarge the appellant on bail.

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that they belongs to Scheduled Caste community and her deceased husband was a daily wager. As usual, her husband returned to the house, after finishing his work. On 04/12/2022 at about 07.00 pm when her husband went to the bar, there was some issue between himself and other persons. At about 07.30 pm, when they were inside the house, one Stalin and Kanagaraj came in two bikes and made a quarrel. So her husband came out of the house and asked the Stalin to go away from that place by touching



his shoulder. In turn, the said Stalin assaulted her husband and also joined by Kanagaraj. The Neighbours intervened and pacified them. At that time, Stalin contacted one Madasamy and he came to the place. Within ten minutes, all the above said persons came to the spot, made a quarrel and asked her husband to come out of the house, wherein he was assaulted with aruval by surrounding and her husband died on the spot. When the neighbours intervened, they were criminally intimidated. Based on the above said occurrence, a case was registered in Crime No.374 of 2022 for the offences punishable under sections 147, 148, 294(b), 302 and 506(ii) IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (PoA) Act.

3. Seeking bail the petitioner, who is arrayed as A7 filed a petition before the trial court, which came to be dismissed on 05/01/2023. Against which, this criminal appeal has been preferred.

4. Heard both sides.



5. On behalf of the de-facto complainant, a counsel from the Legal Aid panel was appointed to defend the case and he has also made his submission. He would submit that subsequent to the above said occurrence, the de-facto complainant was criminally intimidated by some two unknown persons not to depose in the present case as witness, over which also, another FIR has been registered in Crime No.16 of 2023 for the offences punishable under sections 341 and 506(ii) IPC.

6. The de-facto complainant along with two children were also present before this court. But however, the learned counsel appearing for the appellant would submit that considering the incarceration period of the appellant, bail may be considered.

7. The trial court has taken into account the subsequent occurrence to deny the bail to the appellant. Over the simple issue, the murder alleged to have been taken place in a gruesome manner. Overtact was also attributed against this appellant that along with the other accused, he surrounded the deceased, preventing him from running away from that place. So the involvement of



the appellant and the specific overtact must be taken into account for considering this appeal.

8.Considering the manner, in which the above said occurrence said to have taken place, I find no reason to allow the appeal. If the appellant is enlarged on bail, there is every likelihood of again, causing trouble to the victim. So I find no reason to differ from the view, that has been taken by the trial court.

9.On that sole ground, this criminal appeal is **dismissed.**

08/03/2023

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

- 1.The Sessions Judge,
Special Court for Trial of cases
under SC/ST (PoA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.
- 3.The Inspector of Police,
Kayathar Police Station,
Thoothukudi 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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Cr1.A(MD)No.139 of 2023

08.03.2023