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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	02/03/2023
Date of Pronouncement	08/03/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.A(MD)No.146 of 2023

Muthumurugan : Appellant/Petitioner/A2

Vs.

1.State represented through
The Deputy Superintendent of Police,
Eral Police Station,
Thoothukudi District.
Crime No.200 of 2018. : R1/Respondent/Complainant

2.Petchi Raj : R2/R2/De-facto Complainant

Prayer: Criminal Appeal is filed under section 14-A(2) of SC/ST (POA) Amended Act, 2015, to set aside the order made in Crl.MP No.16 of 2023 in SC No.101 of 2020, dated 07/01/2023 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi and enlarge the appellant on bail and pass such further or other orders.

For Appellant : Mr.V.Angusamy

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : No appearance

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

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This Criminal Appeal has been filed seeking to set aside the order made in CrI.MP No.16 of 2023 in SC No.101 of 2020, dated 07/01/2023 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi

2.The facts in brief:-

The de-facto complainant lodged a complaint stating that one Dhanuskodi and his brother namely Vinoth were friends and Vinoth used to visit the house of Dhauskodi frequently and even he started staying in Dhauskodi's house for some days. On 22/11/2018 when the de-facto complainant and his other went to Gurukattur, Dhauskodi stated that when he was in jail, his brother namely Vinoth misbehaved with his wife and asked to warn him. On 23/11/2018, at about 8.00 he was informed by his relatives that his brother's two wheeler is available in Mangalam Kurichi forest area. He went in search of the brother along with his relatives. On search, a body was found with deep cut injuries. So suspecting involvement of the above said Dhaushkodi, he lodged the complaint. Investigation was undertaken and finding the involvement



of four persons final report was fled. Now it is pending for consideration.

3. Pending trial, this petitioner was released on bail and later he absconded and warrant was issued and executed and remanded to judicial custody.

4. Seeking bail, he moved CrI.MP No.14 of 2023 before the trial court, which came to be dismissed. Against which, this bail appeal has been preferred.

5. At the time of hearing, the learned Additional Public Prosecutor would submit that the petitioner is a history sheeted person and several cases are pending against him. He would further submit that 25 cases are pending against him.

6. It is further seen from the records that it is a case of double murder and finding that one of the associates of the above said Vinoth, who happened to be the witness to the occurrence was also killed and his body was also hidden in bushy area. So it appears that it is case of double murder and retaliation murder also took



place. So the conduct on the part of the petitioner clearly shows that if he is released on bail, he may again abscond and hamper the trial process and such was the observation made by this court in the previous occasion also in CrI.A(MD)No.445 of 2022 on 08/02/2021. However, the learned counsel appearing for the petitioner would rely upon the judgment of the Hon'ble Supreme Court in the case of Dataram Singh Vs. State of Uttar Pradesh and another [(2018)3 SCC 22 for the purpose of argument that in the above said judgment, right of the accused has also been elaborately set out. Apart from that, continuance of the incarceration period may not be required, he has to defend them efficiently. But, I am unable to accept this line of argument that was advanced by the appellant. His past conduct itself is sufficient to deny the appeal bail.

7. So I find no merit in this bail appeal and accordingly, it is liable to be dismissed.



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8. In the result, this criminal appeal is
dismissed.

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08/03/2023

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

1. The Deputy Superintendent of Police,
Eral Police Station,
Thoothukudi District.
2. The Special Court for Trial of Cases
under SC/ST (PoA) Act, Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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Cr1.A(MD)No.146 of 2023

08.03.2023