



CrI. A.(MD)No.190 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.03.2023

Delivered on : 31.03.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI. A.(MD)No.190 of 2023

Ayyappan

... Appellant/
Accused

Vs.

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

2.State through
The Sub Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
(Crime No.408 of 2021)

...Respondents 1&2/
Complainants

3.Sangilimuthu

...3rd Respondent/
Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of Scheduled Caste / Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.193 of 2023 dated 01.02.2023 on the file of the II Additional Sessions Judge, (PCR) Tirunelveli and set aside the same and grant bail to the appellant by allowing this criminal appeal.



Crl. A.(MD)No.190 of 2023

For Appellant : Mr.K.Suyambulinga Bharathi
for Mr.S.Ramasamy

For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)

For R3 : M/s.M.Sudharani
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned II Additional Sessions Judge, (PCR) Tirunelveli, in Cr.M.P.No. 193 of 2023 dated 01.02.2023 and enlarge the appellant on bail.

2. The case of the prosecution is that on 15.09.2021, the accused persons had hatched the criminal conspiracy to eliminate one person belonging to SC community in retaliation to the murder of one Sankara Subramanian and at about 05.30 a.m., way laid the deceased Mariappan, that the appellant/fifth accused and the accused 1, 2, and 3 had abused him by using his caste name and attacked him with sickle indiscriminately, that the appellant had taken the severed head of the deceased and placed it near Tasmac shop, Vaduvurpatti where the said Sankara Subramanian was murdered and on the basis of the complaint given by the third



Crl. A.(MD)No.190 of 2023

respondent/defacto complainant, FIR came to be registered in Crime No.408 of 2021 and that the respondent police, after completing the investigation, has filed the final report for the offences under Sections 302, 147, 148, 341, 294(b), 120B, 201 and 34 IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against 10 persons including the appellant herein and the case was taken on file in S.C.No.20 of 2022 and the same is pending on the file of the II Additional Sessions Court, (PCR) Tirunelveli.

3. The learned counsel appearing for the appellant would submit that the appellant's name does not find place in the FIR and only on the basis of the confession alleged to have been taken from the first accused, the appellant has been implicated falsely, that the appellant is in judicial custody from 16.09.2021, that the co-accused were already granted bail and that therefore, the appellant may be released on bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that it is a case of retaliation of murder, that there existed communal disputes and clashes between the Hindu Maravar Community and the Scheduled Caste Community for the past 10 years, that



Crl. A.(MD)No.190 of 2023

both the sides had been committing murder after murder to take revenge on the other side, that the appellant alone has taken the severed head of the deceased and placed it in the spot where one Sankara Subramanian belonging to the community of the accused persons was murdered, that the appellant is having one previous case for murder and that therefore, the appellant is not entitled to be released on bail.

5. The learned counsel appearing for the third respondent would submit that the family members of the deceased are still having life threats, that all the accused including the appellant had committed brutal murder and that therefore, the bail petition is liable to be dismissed.

6. Considering the nature and gravity of the offence alleged and taking note of the overt act alleged against the appellant and also the fact that the appellant is having another murder case pending and taking note of the retaliation murder, this Court is not inclined to grant bail to the appellant at this point of time. Accordingly, this Criminal Appeal is dismissed.

31.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm



CrI. A.(MD)No.190 of 2023

WEB COPY

To

- 1.The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Tirunelveli.
- 2.The Sub Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. A.(MD)No.190 of 2023

K.MURALI SHANKAR, J.

csn

Pre-delivery order made in
Crl. A.(MD)No.190 of 2023

Dated : 31.03.2023