



Crl. A.(MD)No.228 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.228 of 2023

Shanmugavel

... Appellant/Petitioner/
Accused No.4

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Sub-Division, Thoothukudi Town,
Thoothukudi District.

2.The Inspector of Police,
South Police Station,
Thoothukudi District.
(Crime No.618 of 2022)

... Respondent/Respondent/
Complainant

3.Ratha

... 3rd Respondent/Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST Act, 1989 as amended by Act 1 of 2016, to call for records relating to Crl.M.P.No. 186 of 2023 dated 09.03.2023 on the file of the Special Court for Trial of



Crl. A.(MD)No.228 of 2023

Cases under SC/ST (PoA) Act, Thoothukudi and set aside the same and grant bail to the appellant by allowing the criminal appeal.

For Appellant : Mr.M.Pandian
For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)
For R3 : Mr.R.Karunanithi
Legal Aid counsel

JUDGMENT

This Criminal Appeal is directed against the order passed in Crl.M.P.No.186 of 2023 dated 09.03.2023 by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Thoothukudi (FAC).

2. The case of the prosecution is that the appellant along with the other accused had unlawfully assembled and abused the defacto complainant's son and her husband by using their caste name and that during the course of the quarrel, the appellant along with the other accused had wrongfully restrained the defacto complainant's son and murdered the defacto complainant's husband. Hence, the second respondent registered a case against six persons including the appellant in Crime No.618 of 2022 for the offences under Sections 147, 148, 294(b), 324, 307, 302, 506(2), 109 and 120B IPC and



Crl. A.(MD)No.228 of 2023

Sections 3(l)(r), 3(l)(s) and 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The learned counsel appearing for the appellant would submit that the appellant is innocent and he has not committed any offence as alleged by the prosecution and that the appellant belongs to SC community and hence SC/ST act cannot be attracted. He would further submit that since there was previous enmity against the appellant, the defacto complainant has given a false complaint against him and that the appellant is in judicial custody from 02.02.2023.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the appellant is the father of the accused 1, 5 and 6 and that the prosecution has deleted the accused 5 and 6 from the case. He would further submit that if the appellant is released on bail, there is a chance of threatening the witnesses and hence, he has strongly objected to release the appellant on bail.

5. The learned counsel appearing for the third respondent has raised objections to grant bail to the appellant.



Crl. A.(MD)No.228 of 2023

6. Considering the seriousness and gravity of the offence alleged against the appellant and also the fact that the appellant is in custody only from 02.02.2023, this Court is not inclined to grant bail to the appellant.

7. In the result, this Criminal Appeal is dismissed.

11.04.2023

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

To

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



WEB COPY



Crl. A.(MD)No.228 of 2023



WEB COPY



Crl. A.(MD)No.228 of 2023

K.MURALI SHANKAR, J.

csm

Crl.A.(MD)No.228 of 2023

11.04.2023