



CRL.A(MD).No.446 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL.A(MD).No.446 of 2023

Mohan

... Petitioner/Petitioner/Accused No.6

Vs.

1.State rep. by its

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli,
(Crime No.196 of 2017)

... Respondents/Complainants/
Complainant

2.Veerabahu

(R2 is impleaded as per order of this Court dated 30.06.2023 in Crl.M.P(MD)No.9455 of 2023 in Crl.A(MD)No.446 of 2023 by KMSJ)

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to call for the records pertaining to the order dated 19.05.2023 made in S.C.No.93 of 2017 on the file of the II Additional Sessions Judge, Tirunelveli and to set aside the same and enlarge the appellant on bail in connection with Crime No.196 of 2017 on the file of the Respondent police by allowing this Criminal Appeal.



CRL.A(MD).No.446 of 2023

For Appellant : Mr.C.Iyyapparaj
For R1 : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

JUDGMENT

This appeal has been filed to set aside the order passed by the II Additional Sessions Judge, Tirunelveli, in S.C.No.93 of 2017, dated 19.05.2023 and enlarge the appellant on bail in connection with Crime No. 196 of 2017 on the file of the Respondent police by allowing this Criminal Appeal.

2.The case of the prosecution is that the appellant is the sixth accused in Crime No.196 of 2017. Due to previous enmity regarding previous murder case, the appellant and the other accused conspired together to eliminate one Singaram @ Balasubramanian, who was arrayed as accused in the previous murder case. On 24.02.2017, at about 11.00 a.m, when the said Singaram @ Balasubramanian was taking from the Central Prison, Palayamkottai, by the escort police personnel in a police vehicle, the appellant and the other accused unlawfully assembled with deadly weapons and chilly powder, waylaid the police vehicle and attacked the said Singaram @ Balasubramanian and murdered him as per conspiracy



CRL.A(MD).No.446 of 2023

while he was in judicial custody. Hence, the respondent police registered a case against the appellant and other accused in Crime No.196 of 2017 for the offences under Sections 147, 148, 341, 294(b), 353, 302, 506(ii) of IPC r/w 120(b) and 34 of IPC and Section 3 of TNPPDL Act r/w Section 3(1) ®, 3(1)(s) and Section 3(2)(v)A, Section 4 of SC/ST (POA) Amendment Act, 1989. Thereafter, the appellant and the other accused were arrested. After completion of enquiry, final report was filed before the II Additional Sessions Judge, Tirunelveli, and the same was taken on file in S.C.No.93 of 2017. Thereafter, he was released on bail in the year 2020. Because of non-appearance before the trial Court, non-bailable warrant was issued against him and he was arrested on 25.04.2022. Hence, he filed a bail petition in Crl.MP.No.1572 of 2023 in S.C.No.93 of 2017 and the same was dismissed by the learned Sessions Judge on 19.05.2023. Challenging the same, present appeal has been filed.

3.The learned counsel for the appellant submitted that due to Covid-19 pandemic situation, he was not in a position to appear before the trial Court and he is in judicial custody for more than one year. Hence, he prayed for granting bail to the appellant.



CRL.A(MD).No.446 of 2023

4.The learned Government Advocate (Crl.Side) appearing for the State filed a detailed status report. It is stated that it is a case of well planned retaliation murder. The appellant has previous antecedent. When all other accused are appearing either in person or through their counsel before the trial Court, the appellant has failed to appear. Hence, non-bailable warrant was issued against him. In such circumstance, there is no merit in this appeal and the same is liable to be dismissed.

5.Considering the previous antecedent of the appellant and also considering the fact that the appellant committed the murder in a retaliation manner, this Court is not inclined to allow this petition.

6. Accordingly, this Criminal Appeal is dismissed.

18.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
dss



WEB COPY



CRL.A(MD).No.446 of 2023

To

- 1.The II Additional Sessions Judge,
Tirunelveli.
- 2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli.
- 3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL.A(MD).No.446 of 2023

K.K.RAMAKRISHNAN,J.

dss

Order made in
CRL.A(MD).No.446 of 2023

18.08.2023