



Crl. A.(MD)No.465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.06.2023

Delivered on : 03.07.2023

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

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Mahalingam

... Appellant/
Accused No.1

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.230 of 2022)

...Respondents/
Complainants

3.Panchammal

...Respondent/
Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (POA) Amendment Act, 2015, to set aside the order dated 23.05.2023 made in Cr.M.P.No.612 of 2023 on the file of the Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and



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enlarge the petitioner on bail in connection with criminal case in Spl.S.C.No.4 of 2023 in Crime No.230 of 2022 on the file of the Special Court for trial of cases registered under SC/ST (POA) Act 1989, Ramanathapuram (FAC).

For Appellant : Mr.G.Karuppasamy Pandiyan
For R1 & R2 : Mr.A.Albert James
Government Advocate (Crl. Side)
For R3 : Mr.C.Suresh Kannan
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, in Cr.M.P.No.612 of 2023 dated 23.05.2023 and enlarge the appellant on bail.

2. The case of the prosecution is that the deceased is the son of the third respondent/defacto complainant, that the deceased had married one Niroja, that there existed dispute between the husband and wife, due to which, the deceased's wife went to her parental home in Thuvaar village, Sivagangai District, one and half year prior to the occurrence, that on 09.10.2022, at about 5.30 p.m, the deceased went to return the beer and brandy bottle to one



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Sukumar, but even after the mid night, the deceased did not return to home, that thereafter the third respondent along with her grandson, namely, Suresh, went to Sukumar's house and searched out the deceased, that the said Sukumar told that the deceased returned to the house already, that they were making search and at that time one Mahalingam and Arumugam informed the third respondent that the deceased's body was lying in Mahalingam's land, that they went to that place and found that the head and body of the deceased were severed and put in separate places and that on the basis of the above said occurrence, a case was registered in Crime No.230 of 2022 for the offences under Section 302 IPC altered into Sections 302 and 120(B) IPC r/w 3(2)(Va) of SC/ST (POA) Amendment Act, 2015.

3. It is evident from the records that the appellant has filed a bail application before the Special Court, Ramanathapuram and the same was dismissed on 01.02.2023. Thereafter, the appellant has filed an appeal for bail before this Court in Crl.A.(MD)No.108 of 2023 and the same was dismissed on 20.02.2023. Subsequently, the appellant has filed another bail application before the Special Court in Cr.M.P.No.612 of 2023 and the same was ordered to be dismissed on 23.05.2023. Aggrieved by the dismissal, the present appeal came to be filed.



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4. The learned counsel appearing for the appellant would submit that the appellant has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the present appellant is the main accused, that the appellant along with the other accused had committed brutal murder by severing the head of the deceased, that the appellant is having 3 previous cases, which includes, a murder case and another case under Section 392 Cr.P.C. and that if the appellant is released on bail, there is every possibility of absconding the appellant and threatening the witnesses.

6. The learned counsel appearing for the appellant would further contend that all the co-accused were already released on bail, that investigation has already been completed and charge sheet was filed and the same was taken on file in Spl.S.C.No.4 of 2023 on the file of the Special Court for Trial of Cases registered under SC/ST (POA) Act, Ramanathapuram, that the appellant is in judicial custody from 10.10.2022 and that therefore, the appellant may be enlarged on bail.



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

8. Considering the facts and circumstances of the case and also the seriousness and gravity of the offence alleged and taking note of the way, in which, brutal murder was committed and also the fact that the appellant is having 3 previous cases for serious offences, which includes, a murder case and taking note of the serious objections raised, this Court is not inclined to grant bail to the appellant.

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

03.07.2023

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

To

- 1.The Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.
- 2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

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Pre-delivery order made in
Crl. A.(MD)No.465 of 2023

Dated : 03.07.2023