



Crl.R.C.(MD).No.509 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.A(MD)No.509 of 2023

Maruthupandian

... Appellant/Accused No.1

Vs.

1.State Rep by
Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Virudhunagar District.

2.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
In Crime No.18 of 2023.

... Respondents 1&2/Complainants

3.Anandharaj

... 3rd Respondent/De-fact
Complainant

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 set aside the order dated 13.06.2023 made in Crl.MP.No.1847 of 2023 on the file Court of the Sessions Judge, Special Court for Trial of SC/ST (POA) At Cases, Virudhunagar District at Srivilliputtur and enlarge the Appellant on bail in Crime No.18 of 2023 on the file of the 2nd Respondent.



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For Appellant : Mr.M.Jothi Basu
For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed to set aside the order dated passed by the Sessions Judge, Special Court for Trial of SC/ST (POA) At Cases, Virudhunagar District at Srivilliputtur, in Crl.MP.No.1847 of 2023, dated 13.06.2023 and enlarge the Appellant on bail in Crime No.18 of 2023 on the file of the 2nd Respondent.

2.The case of the prosecution is that the defacto complainant is the father of the deceased. The deceased and the accused are friends. Due to money dispute between the accused and the deceased, on 23.01.2023, at about 03.15 p.m, the accused said to have brutally attacked the deceased with weapons and took away him in a two wheeler. After found his dead body, a complaint was lodged before the respondent police. The respondent police registered a case in Crime No.18 of 2023 for the offences under Sections 147, 148, 341, 294(b), 324, 364, 506(ii) & 302 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act, 2015, against the accused and also arrested the appellant/Accused No.1 and remanded him to judicial custody on 01.02.2023. Hence, he filed a bail petition



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in Crl.MP.No.1847 of 2023 before the the Sessions Judge, Special Court for Trial of SC/ST (POA) At Cases, Virudhunagar District at Srivilliputtur. The learned trial Judge after considering the following previous antecedents of the appellant, dismissed the said petition:-

- 1.Crime No.142 of 2018 – 147, 148, 294(b), 323, **326**, 341, **506(ii)** (CC.No.374 of 2019)
- 2.Crime No.195 of 2019 – 302 IPC @ 109, 120(B), **302**, 34 IPC (SC.No.9 of 2021)
- 3.Crime No.66 of 2020 – 109, 147, 148, **302**, 323 IPC @ 109, 120(B), 147, 148, 323, 302 of IPC (S.C.No.68 of 2022)
- 4.Crime No.422 of 2020 – 294(b), 324, **506(ii)** IPC (CC.No.150 of 2021)
- 5.Crime No.123 of 2021 – 294(b), 324, **506(ii)** IPC (CC.No.199 of 2021)
- 6.Crime No.195 of 2022 – 341, 294(b), 324, **506(ii)** IPC (C.C.No.111 of 2023)
- 7.Crime No.252 of 2017 – 75(1) (C) TNP Act – **Conviction**
- 8.Crime No. 24 of 2019 – 75(1)(C) TNP Act - **Conviction**
- 9.Crime No.268 of 2015 – **454, 380**IPC (CC.No.91 of 2017)
- 10.Crime No.234 of 2015 – **454, 380** IPC (Property not recovered)



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Court.

3. Aggrieved over the same, the appellant filed this appeal before this

4. When the matter is taken up for hearing, the learned counsel for the third respondent/defacto complainant appeared in person and reiterated this Court to take the stand already taken by the Court.

5. The learned Government Advocate (Crl.Side) would submit that the investigation was completed and the case was posted for serving summon and raised strong objection to grant bail.

6. At this stage, considering the previous antecedents of the appellant and the gravity of the offences, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Appeal is dismissed.

19.07.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

- 1.The Sessions Judge, Special Court for Trial of SC/ST
(POA) At Cases,
Virudhunagar District at Srivilliputtur
- 2.Deputy Superintendent of Police,
Rajapalayam Sub-Division,
Virudhunagar District.
- 3.The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
- 4.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

dss

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