



CrI.A.(MD).No.631 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Arockiya Geron @ Chinnavar

... Appellant

Vs.

**1.State Represented by
The Deputy Superintendent of Police,
Dindigul Rural Sub division,
Dindigul District.**

**2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.140 of 2023)**

3.Daivanai

... Respondents

PRAYER : Criminal Appeal filed under Section 14(A)(ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amended Act, 2015, to call for the records pertaining to the order dated 18.07.2023 made in Cr.M.P.No.1027 of 2023 on the file of the Special Court for Exclusive Trial



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of Cases under SC/ST (POA) Act, Dindigul and set aside the same and enlarge the appellant on bail relating to the case in Spl.S.C.No.34 of 2023, on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul in Cr.No.140 of 2023 on the file of the second respondent.

For Appellants : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)
for R1 & R2

: Mr.R.L.Dhilipan Pandian for
: Mr.A.Kesavan for R3

ORDER

This Criminal Appeal has been filed against the order dated 18.07.2023 made in Crl.M.P.No.2027 of 2023, on the file of the Special Court for SC/ST (POA) Cases, Dindigul, and enlarge the appellant on bail.

2.The case of the prosecution is that there existed previous enmity between the family of the *defacto* complainant and the family of A6; that the husband of A6 was murdered by the *defcto* complainant's husband's brother



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and that in order to take revenge for that murder, on 02.03.2023, when the deceased was standing in front of his brother's house, the first accused came to that place on a two wheeler and assaulted the deceased/*defacto* complainant's husband; that when he went inside the house, as instigated by the sixth accused, A1 to A4 went inside the house and assaulted the deceased with deadly weapons and abused him in filthy language; that when the *defacto* complainant and others rushed in, the accused threatened them with dire consequences and that the fourth accused left the place on the two wheeler with the help of fifth accused; that the *defacto* complainant took the injured with the help of a private ambulance and admitted him in Dindigul Government Hospital, where he was declared dead and that on the basis of the complaint lodged by the *defacto* complainant, FIR came to be registered in Crime No.140 of 2023 against six persons including the appellant for the offences punishable under Sections 147, 148, 294(b), 302, 506(ii) of IPC and 3(1)(r)(s)(Va) SC/ST (POA) Act. Thereafter, the appellant/accused No.4 filed the bail petition before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, in Crl.M.P. (MD).No.1027 of 2023. The learned trial Judge, after considering all the



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materials, dismissed the bail petition by passing the impugned order dated 18.07.2023.

3. The learned counsel for the appellants submitted that the appellant was no way connected with the occurrence and he has been falsely implicated in this case. The accused Nos.5 and 6 are the relatives of the appellant and they got bail before this court. Considering the circumstances of the case, he seeks indulgence of this Court to grant bail to the appellant.

4.The learned Government Advocate (Criminal Side) on Instructions submitted that the Appellant has 12 previous cases and out of 12 cases, 8 cases were disposed off and 4 cases are pending for various offences. He would further submit that since earlier murder has taken place in the family of the deceased, he seeks for dismissal of this appeal.

5. The learned counsel for the *defacto* complainant submitted that the murder is a well planned one and also there is a apprehension of threat to the witnesses. Further, if the appellant is released on bail, he will cause



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hindrance to the examination of witnesses and also there is a possibility of tampering of witnesses.

6. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

7. According to the prosecution, the appellant and the other accused are said to have assaulted the deceased with deadly weapons and also motive behind this murder is serious in nature. In the said circumstances, if the appellant is released on bail, the same would cause serious prejudice to the *defacto* Complainant and the witnesses also. Hence, considering the previous antecedents of the appellant, this court is not inclined to grant bail. Considering these circumstances, this Court accepts the reasoning given by the learned trial Judge and finds that there is no infirmity and perversity in the order passed by the trial Court.



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8. Accordingly, this Criminal Appeal stands dismissed. The order passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Dindigul, in Crl.M.P.No.1027 of 2023 in Spl.S.C.No.34 of 2023 is hereby confirmed.

14.08.2023

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

sbn



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To

1. The learned Sessions Judge,
The Special Court for SC/ST (POA) Cases,
Dindigul.
2. The Deputy Superintendent of Police,
Dindigul Rural Sub division,
Dindigul District.
3. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Section Officer,
The Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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