



CrI.A.(MD).No.788 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.10.2023

Pronounced on : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CrI.A.(MD)No.788 of 2023

A.Prabhakar

... Appellant / Accused No.8

Vs.

1.The State represented by

The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

(In Crime No.223 of 2017)

...1st & 2nd Respondents/Complainants

3.P.Lingadurai

...3rd Respondent/De-facto Complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 28.07.2023 made in CrI.M.P.No.709 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and to set aside the same and enlarge the appellant on bail in connection with the Crime No.223 of 2017 on the file of the respondent police by allowing this Criminal Appeal.



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For Appellant : Mr.R.L.Dhilipan Pandian
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Mr.Ponraj (Appeared in person)
F/o. De-facto Complainant

JUDGMENT

This appeal is filed to set aside the order order dated 28.07.2023 made in Crl.M.P.No.709 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi and enlarge the appellant on bail in connection with the Crime No.223 of 2017 on the file of the respondent police.

2.According to the prosecution the appellant and other accused said to have committed the offence punishable under Sections 147, 294(b), 323, 326, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015.

3. The case of the prosecution is that on 05.06.2017 at about 7.30 p.m. the appellant along with other accused persons assembled unlawfully and abused the *de-facto* complainant by using filthy language and mentioning his

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caste name and also assaulted him and threatened him with dire consequences.

Hence, the *de-facto* complainant lodged a complaint before the second respondent police and F.I.R was registered in Crime No.223 of 2017 against the appellant and other accused persons for the offences under Sections 147, 294(b), 323, 326, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015.

4.After investigation final report was filed and the case was taken on file as S.C.No.20 of 2021 before the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi. During the pendency of the case, the appellant/Accused No.8 absconded from 21.01.2021 and he was secured only on 01.04.2023.

5.The learned counsel for the appellant would submit that the appellant is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the appellant was arrested and remanded to judicial custody on 01.04.2023 and the appellant is willing to produce sufficient sureties for the appearance and the appellant will not abscond in future and will not tamper the witnesses and hence he seeks to



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grant bail to the appellant.

6.The learned Additional Public Prosecutor appearing for the first and second respondents would submit that totally there are ten accused in this case the appellant herein is arrayed as Accused No.8 and it is a case of jumped out of bail and the appellant was arrested on executing Nonailable Warrant and remanded to judicial custody on 01.04.2023. He would further submit that the appellant has involved in nine previous cases including murder cases and if the appellant is released on bail, he will again abscond and the trial of the case will be paralysed. Hence, he seeks to dismiss the appeal.

7.Considering the above facts and circumstances and considering the bad antecedents of the appellant and gravity of the offence alleged against the appellant and also considering the fact that Nonailable Warrant was issued for non appearance of the appellant on 21.01.2021 and the same was executed only on 01.04.2023 and also considering the very long absence of the appellant this Court finds that there is no infirmity and perversity in the order passed by the Trial Court and this Court is not inclined to allow this appeal and to grant bail to the appellant at this stage.



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8. Accordingly, this Criminal Appeal stands dismissed.

20.10.2023

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

To

1. The Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thoothukudi,
Thoothukudi District.
3. The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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vsd

Pre - Delivery Order made in
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20.10.2023