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CrI.A.(MD).No.882 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 16.10.2023

Pronounced on : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

CrI.A.(MD).No.882 of 2023

1.Dinesh

2.Rajkumar @ Sasikumar

... Appellants/Accused Nos.2 & 7

Vs.

1.The Deputy Superintendent of Police,
Dindigul Rural Range,
Dindigul.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
(Crime No.410 of 2023)

...1st & 2nd Respondents/Complainants

3.Sharmila

...3rd Respondent/De-facto Complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST Act, 1989, to call for entire records pertaining to the order dated 12.09.2023 made in Cr.M.P.No.1321 of 2023 passed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act at Dindigul and allow this Criminal Appeal and enlarge the appellants on bail.



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For Appellant : Mr.M.Suresh
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : No Appearance

JUDGMENT

This appeal is filed to set aside the order dated 12.09.2023 made in Cr.M.P.No.1321 of 2023 passed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act at Dindigul and allow this Criminal Appeal and enlarge the appellants on bail.

2.According to the prosecution the appellants and other accused said to have committed the offence punishable under Sections 147, 148, 449, 302 of IPC and Sections 3(1)(s) and 3(2)(va) of SC/ST (POA) Act.

3.The case of the prosecution is that on on 23.07.2023 at about 4.45 p.m. the appellants and other accused persons trespassed into the house of the deceased Munieswaran with deadly weapons and murdered the deceased, who is the husband of the third respondent / *de-facto* complainant and also abused him about his caste name and went away from there. Hence, the *de-facto*



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complainant lodged a complaint before the respondent police and F.I.R was registered in Crime No.410 of 2023 against the appellants and other accused persons for the offences under Sections 147, 148, 449, 302 of IPC and Sections 3(1)(s) and 3(2)(va) of SC/ST (POA) Act.

4.The learned counsel for the appellants would submit that the second appellant name was not found in the F.I.R. and only based on the confession of co-accused he has been implicated in this case. He would further submit that the appellants were arrested and remanded to judicial custody on 25.07.2023. Hence, he seeks to grant bail to the appellants.

5.The learned Additional Public Prosecutor appearing for the first and second respondents would submit that the appellants and other accused persons assembled together and attacked the deceased with deadly weapons, and caused his death and it is a retaliation murder. He would further submit that the first appellant was detained under Goondas Act and proceedings have been initiated and pending to detain the second appellant under Goondas Act and nine witnesses have already been examined. Hence, he raised strong objection and prayed to dismiss this appeal.



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6. On perusal of records it is seen that the appellants and other accused persons involved in the alleged occurrence of this case assembled together and attacked the deceased with deadly weapons, and caused his death and it is a retaliation murder. If bail is granted to the appellants they may abscond and they may tamper the witness and hamper the trial.

7. Considering the above facts and circumstances and considering the specific overt act against the appellants and gravity of the offence alleged against the appellants and also considering the strong objection raised by the prosecution, this Court is not inclined to allow this appeal and to grant bail to the appellants at this stage.

8. Accordingly, the Criminal Appeal stands dismissed.

20.10.2023

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



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To

- 1.The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act,
Dindigul.
- 2.The Deputy Superintendent of Police,
Dindigul Rural Range,
Dindigul.
- 3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.
- 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