



CrI.A.(MD)No.982 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.11.2023

Pronounced on : 08.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE P.VADAMALAI**

CrI.A.(MD)No.982 of 2023

Selvam @ Angel Selvam

... Appellant / Accused No.5

Vs.

1.The State represented by

The Deputy Superintendent of Police,

Virudhunagar Sub Division,

Virudhunagar West Police Station.

(Crime No.78 of 2021)

...1<sup>st</sup> Respondent/Complainant

2.Thangapandi

...2<sup>nd</sup> Respondent/De-facto Complainant

3.Lavanya

...3<sup>rd</sup> Respondent/Victim

**PRAYER:** Criminal Appeal filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, 2015 as amended by Act 1 of 2016, to call for the records pertaining to the order passed in CrI.M.P.No.3536 of 2023 dated 18.10.2023 in Spl.S.C.No.12 of 2022 on the file of the Special Court for SC/ST Act Cases, Virudhunagar District at Srivilliputhur and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



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For Appellant : Mr.P.Pandisundar  
For R1 : Mr.B.Nambi Selvan  
Additional Public Prosecutor  
For R2 & R3 : Mr.P.Subbiah

### **JUDGMENT**

The appellant has filed this criminal appeal to set aside the impugned order dated 18.10.2023 passed in Crl.M.P.No.3536 of 2023 in Spl.S.C.No.12 of 2022 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Srivilliputtur (FAC) and to enlarge the appellant on bail by allowing this appeal.

#### **2.The brief facts of the prosecution case:**

The appellant is arrayed as Accused No.5 in this case and he was charged under Sections 120(b), 147, 148, 149, 324, 307 of IPC and under Section 4 of TNPHW Act 2002 and under Section 3(2)(r), 3(2)(va) and 3(2)(v) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act 2015. The appellant was already released on bail, but failed to appear before the Trial Court on 27.06.2023, hence, NBW



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was issued and on execution of NBW he was arrested on 06.09.2023.

Therefore, the appellant moved bail before the Trial Court by filing CrI.M.P.No.3536 of 2023 in S.C.No.12 of 2022 and the same was dismissed on 18.10.2023.

3. Aggrieved by the dismissal of bail petition, the appellant has preferred the present criminal appeal before this Court.

4. Heard both sides and perused the records in this Criminal Appeal.

5. The learned counsel for the petitioner has submitted that the appellant herein arrayed as Accused No.5 and the appellant already obtained bail in this case. The appellant was falsely implicated in another case by the respondent police and he was arrested on 22.06.2023 and hence, he was unable to appear before the Trial Court on 27.06.2023. The appellant was arrested on NBW on 06.09.2023 and he is in custody for the past 55 days. The trial Court without considering the facts dismissed the petition for bail. So the appellant may be granted bail.



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6. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the appellant has involved in 12 previous cases out of which 4 cases are murder cases. In the main case, trial has been commenced and three witnesses were examined so far. The appellant was already granted bail and he failed to appear before trial Court and if he is granted bail, he would abscond and the trial would be affected.

7. On hearing both side rival arguments and on perusal of records, it is clear that the appellant was already granted bail and jumped out bail. The Additional Public Prosecutor contends that the appellant has 12 previous cases including four murder case. The trial of the main case has been commenced and three witnesses were examined so far and this was not denied by the appellant. Therefore, considering the facts and circumstances, if bail is granted to the appellant it would affect the further trial of the main case as contended by the Additional Public Prosecutor and hence, this Court is not inclined to grant bail to the appellant.



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8. In the result, this Criminal Appeal is dismissed. However, considering the stage of the case, the trial Court is directed to complete the trial and dispose the case within a period of five months from the date of receipt of a copy of this order.

08.12.2023

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

To

- 1.The Special Court for SC/ST Act Cases, Virudhunagar District at Srivilliputhur.
- 2.The Deputy Superintendent of Police,  
Virudhunagar Sub Division,  
Virudhunagar West Police Station.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 4.The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court,  
Madurai.



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**P.VADAMALAI, J.**

VSD

Pre - Delivery Order made in  
CrI.A.(MD)No.982 of 2023

08.12.2023