



Crl. A.(MD)No.1006 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.11.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl. A.(MD)No.1006 of 2023

1.Murugan
2.Vasanthakumar

... Appellants

Vs.

1.The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.

2.The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.

3.Manjula

.. Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 01.11.2023 made in Cr.M.P.No.1994 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act 1989, Sivagangai and set aside the same and enlarge the appellants on bail in connection with Crime No. 172 of 2023 on the file of the second respondent by allowing this Criminal Appal.



Crl. A.(MD)No.1006 of 2023

For Appellants
For R1 and R2

: Mr.M.Rajarajan
: Mr.B.Nambiselvan
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to the order dated 01.11.2023 made in Cr.M.P.No.1994 of 2023 on the file of the learned Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act 1989, Sivagangai and set aside the same and enlarge the appellants on bail in connection with Crime No.172 of 2023 on the file of the second respondent by allowing this Criminal Appal.

2. According to the prosecution the appellants and other accused said to have committed the offence punishable under Sections 147, 148, 341, 120B and 302 of IPC r/w section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.

3.The case of the prosecution is that on 07.09.2023, the defacto complainant's son and his friend went to the wine shop, at that time, a wordy quarrel arose between the defacto complainant's son and the accused persons. Thereafter, the accused persons came to the defacto complainant's son's house and asked to go for the Rekla-Race competition at Suinnampiruppu. He has also agreed to go with them,



Crl. A.(MD)No.1006 of 2023

after reaching Ranasingapuram Graveyard, the accused persons attacked the defacto complainant's son/deceased with knife and caused grievous injuries to him. Due to the injuries, he died on the spot. Hence, the *de-facto* complainant lodged a complaint before the respondent police and the case has been registered in Crime No.172 of 2023 against the appellants for the offences under Sections 147, 148, 341, 120B and 302 of IPC r/w section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the appellants have filed a petition for bail in Crl.M.P.No.1994 of 2023, before the learned Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act 1989, Sivagangai, and the same was dismissed on 01.11.2023. Challenging the same, the appellants have preferred this Criminal Appeal.

4. The learned counsel for the appellants would submit that the appellants did not involve in any occurrence as alleged by the prosecution. He further submitted that the appellants' names are not mentioned in the FIR and they were not at all present in the occurrence place. He would further submit that the appellants are willing to produce sufficient sureties for the appearance and the appellants will never abscond and will not tamper the witnesses. The appellants were arrested and remanded on 12.09.2023 and 15.09.2023 and hence, he seeks to grant bail to the appellants.



Crl. A.(MD)No.1006 of 2023

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that there was a wordy quarrel arose between the defacto complainant's son and the accused persons in the wine shop and thereafter, all the accused persons went to the defacto complainant's son's house and kidnapped him and attacked him with knife and also caused grievous injuries to him. Due to the injuries, he died on the spot. He further submitted that no previous case is pending against the appellants and all the accused are still in custody. He further submitted that the investigation is still pending and therefore, he strongly objected to allow this appeal.

6. The third respondent/de-facto complainant appeared in person and stated that if the appellants are released on bail, there would be danger to her life. Hence he objected to release the appellants on bail.

7. Considering the above facts and circumstances, considering the nature and the gravity of the offence, the investigation is still pending and the fact that all the arrested accused are still in judicial custody, this Court is not inclined to allow this Criminal Appeal.

In the result, this Criminal Appeal is dismissed.

24.11.2023

Index : Yes/No
Internet : Yes/No



WEB COPY



Crl. A.(MD)No.1006 of 2023

To

- 1.The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
- 2.The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. A.(MD)No.1006 of 2023

P.VADAMALAI, J

tta

Crl. A.(MD)No.1006 of 2023

24.11.2023