



Crl.A.(MD).No.1075 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 13.12.2023

Pronounced on : 22.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.A.(MD).No.1075 of 2023

Jeyasoorya

... Appellant / Accused No.3

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Thiruppathur Sub Division,
Sivagangai District.

...1st Respondent/Investigating
Officer

2.The State through
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
(Crime No.172 of 2023)

...2nd Respondent/Complainant

3.Manjula

...3rd Respondent/De-facto
Complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST (Prevention of Atrocities) Act, to call for the records relating to the order passed by the Sessions Court (FAC), Special Court for Exclusive Trial of



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Cases under SC/ST (POA) Act, 1989, Sivagangai in Cr.M.P.No.2175 of 2023, dated 29.11.2023 and set aside the same by release the appellant on bail.

For Appellant : Mr.K.G.Arunkumar
For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor
For R3 : Ms.Manjula (Party in Person)

JUDGMENT

This Criminal Appeal has been filed to set aside the order dated 29.11.2023 made in Cr.M.P.No.2175 of 2023 on the file of the Sessions Court, Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act 1989, Sivagangai and to release the appellant on bail.

2. According to the prosecution the appellant 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.



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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, 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 appellant and other accused 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 appellant has filed a petition for bail in Crl.M.P.No.2175 of 2023, before the Special Court for Exclusive Trial of Cases Under SC/ST (POA) Act 1989, Sivagangai, and the same was dismissed on 29.11.2023. Challenging the same, the appellant has preferred this Criminal Appeal.



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4. The learned counsel for the appellant would submit that the appellant did not involve in any occurrence as alleged by the prosecution. He further submitted that the appellant name is not mentioned in the FIR and he was not at all present in the occurrence place. He would further submit that the appellant is willing to produce sufficient sureties for the appearance and the appellant will never abscond and will not tamper the witnesses. The appellant was arrested and remanded on 08.09.2023 and no previous case is pending against the appellant and hence, he seeks to grant bail to the appellant.

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 co-accused application was dismissed by this Court on



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24.11.2023 and all the accused are still in custody.and 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 appellant is released on bail, there would be danger to her life. Hence, he objected to release the appellant 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.

8. In the result, this Criminal Appeal is dismissed.

22.12.2023

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



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To

- 1.The Sessions Court (FAC), Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.
- 2.The Deputy Superintendent of Police,
Thiruppathur,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai 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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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
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22.12.2023