



Crl.A(MD)No.242 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.242 of 2024

1.Gokula Krishnan @ Gokul

2.Manikandan

... Appellants / Petitioners /
Accused Nos.1 and 4

Vs.

1.State represented by
The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur Town Police Station, Karur District.
(Crime No.1031 of 2020).

2.The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.1031 of 2020)

... 1 and 2 Respondents / Complainant

3.Sashmitha

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015, to call for the entire records relating to the order dated 07.03.2024 passed in Crl.M.P.No.229 of 2024 in S.C.No.17 of 2021 in Crime No.1031 of 2020 on the file of the learned Principal Sessions Judge, Karur and set aside the same as arbitrary and consequently to release the petitioner on bail in connection



Crl.A(MD)No.242 of 2024

with the S.C.No.17 of 2021 in Crime No.1031 of 2020 on the file of the learned Principal Sessions Judge, Karur.

For appellants : Mr.A.Samson
For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R-3 : Mr.J.Shakila
Legal Aid Counsel

J U D G M E N T

Heard the learned Counsel appearing for the appellants and learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

2. These Criminal Appeal has been filed to call for the records and to set aside the order passed by the Principal Sessions Judge, Karur, dated 07.03.2024 passed in Crl.M.P.No.229 of 2024 in S.C.No.17 of 2021, consequently enlarge the appellants / Accused Nos. 1 and 4, on bail in Crime No.1031 of 2020, on the file of the respondent police.

3. The case of the prosecution is that due to previous enmity between one Gogul and the defacto complainant's husband, on 17.09.2020 at about 8.45 p.m., the said Gogul and his friends made quarrel with the defacto complainant's husband. Subsequently, on 18.09.2020, at about 9.00 a.m.,



Crl.A(MD)No.242 of 2024

when the defacto complainant, her husband and her brother-in-law were on their shop, the said Gogul and his friends came there and attacked the defacto complainant's husband using aruval and threatened them with dire consequences. Due to the attack made by the accused persons, the defacto complainant's husband sustained fatal injuries all over the body. Hence, he was taken to the hospital, where the Doctor stated that the defacto complainant's husband already died. Hence the complaint was registered in Crime No.1031 of 2020, on the file of the respondent police. The accused persons were arrested and remanded to judicial custody. The respondent filed the final report before the learned Principal Sessions Judge, Karur and the same has been taken on file in S.C.No.17 of 2021 and the same is pending. The accused have moved bail applications in Crl..M.P.No.229 and 445 of 2024 before the Principal District and Sessions Judge, Karur. Considering the gravity of the offence, the trial Court dismissed the bail applications. Against which these Criminal appeals were preferred.

4. Learned Government Advocate (Crl.) would submit that the co-accused who was absconding, has been secured. Since he was arrested in some other cases, a formal arrest is going to be taken by the respondent herein. It is further submitted that at the fag end of the trial process, one of



Crl.A(MD)No.242 of 2024

the co-accused has been absconded, that too at the time of examination of the investigation officer.

5. In view of the developments, if the petitioner is released on bail, he may abscond again. There is no question of granting relief to the appellants herein/ Accused Nos.1 and 4. They must wait till completion of the trial process.

6. In view of the above discussions, this Criminal Appeal is dismissed and there shall be a direction to the learned Principal Sessions Judge, Karur, to complete the trial process in S.C.No.17 of 2021 pending on his file, at the earliest.

25.09.2024

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

pnn



Crl.A(MD)No.242 of 2024

WEB COPY

To

1. The Principal Sessions Judge, Karur.
2. The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur Town Police Station, Karur District.
(Crime No.1031 of 2020).
3. The Inspector of Police, Karur Town Police Station,
Karur District. (Crime No.1031 of 2020)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A(MD)No.242 of 2024

G.ILANGO VAN,J.

pnn

Crl.A(MD)No.242 of 2024

25.09.2024