



Crl.A(MD)No.756 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.756 of 2024

Raja @ Pura Raja

... Appellant/Accused

Vs

1. The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Tiruchendur Police Station,
Thoothukudi District. Crime No. 270/2023.

2. Pechiammal

... Respondents

Prayer : This Appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (POA) Act 1989, to call for the records relating to the order in Cr.M.P.No.664 of 2024 in Cr.No.270 of 2023, dated 22.06.2024 on the file of Court of Sessions, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Thoothukudi (FAC) and set aside the same and allow this Criminal Appeal.

For appellant : Mr.J.Joseph Zinoson

For R-1 : Mr.M.Sakthikumar
Government Advocate (Crl. Side)

For R2 : No Appearance



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J U D G M E N T

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This Criminal Appeal has been filed to set aside the order in Cr.M.P.No.664 of 2024 in Cr.No.270 of 2023, dated 22.06.2024 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Thoothukudi (FAC).

2.The case of the prosecution is that on 07.09.2013 at about 04.15p.m., in the place of occurrence, when the accused persons were taking liquor, the deceased went there and questioned the accused. On getting angry over that, the deceased kidnapped by the accused persons to an isolated place, stabbed him with beer bottle and murdered him. The accused persons also dug a hole and buried the body of the deceased. On the basis of complaint given by the deceased wife, a case in Cr.No.270 of 2023 was registered under Section Man Missing and then altered into offence under Sections 364, 365, 302, 201 IPC and Section 3(2)(v) of SC/ST (POA) Amendment Act 2015 on the file of the respondent police. After completion of investigation, final report filed before the trial Court and the same was numbered as S.C.No.19 of 2024. Seeking bail, the appellant has moved before the trial Court and the same was dismissed by the trial Court on 22.06.2024. Against the above said order, this appeal has been preferred.



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3.The learned counsel for the petitioner submitted that in view of long incarceration undergone by the petitioner, the appeal may be considered.

4.The learned Additional Public Prosecutor submitted that the appellant has several previous cases in his credit, among which, one is under Section 307 IPC. Hence, prays to dismiss the appeal.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police.

6.Considering the grievous nature of offence and considering the manner in which the offence is committed, if the appellant is released on bail, there is every likelihood for absconding and there is no guarantee that he will not commit similar offence during the bail period, since the appellant has already committed offence under Section 307 IPC, which indicates the habitual nature of the appellant. In this case, since final report is filed and taken cognizance and trial is going to commence, I am of the considered view that the appellant is not entitled for bail at this stage. He may revive his application after the completion of examination of material witnesses are over.



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7. With the above observations, this criminal appeal stands dismissed.

23.09.2024

Index : Yes/No
Internet : Yes/No
PNM

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under SC/ST (POA) Act,
Thoothukudi (FAC)

2. The Deputy Superintendent of Police,
Tiruchendur Police Station,
Thoothukudi District. Crime No. 270/2023.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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