



WEB COPY



Crl.A(MD)Nos.700 to 702 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.A(MD)Nos.700 to 702 of 2024

1.Crl.A(MD)No.700 of 2024:-

1.Ramesh Kumar

2.Vigneshwar : Appellants/A4 and A5

Vs.

1.The State represented by its,
The Assistant Superintendent of Police,
Nilakottai Sub Division,
Nilakottai Police Station,
Dindigul District. : 1st Respondent/Investigation
Officer/Investigation Officer

2.The State rep. by its,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.183 of 2024) : 2nd Respondent/2nd Respondent/
Complainant

3.Alagupandi : 3rd Respondent/De-facto
Complainant/De-facto Complainant

Prayer: This Criminal Appeal is filed under Section 14A(2) of SC/ST(POA) Act 1989 as amended by Act 1/2016, to call for the entire records relating to the impugned order, dated 12/08/2024 made in Crl.MP No.1479 of 2024 on the file of the Special Court for Exclusive Trial of cases under SC/ST(POA) Act, Sessions Judge, Dindigul and to set aside the same and consequently to release the appellants on bail in connection with FIR in Crime No.183 of 2024 pending investigation on the file of the 1st respondent police.



WEB COPY



Crl.A(MD)Nos.700 to 702 of 2024

For Appellant : Mr.S.Sarvagan Prabhu

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.R.Alagumani

2.Crl.A(MD)No.701 of 2024:-

Ramesh Kumar : Appellant/A1

Vs.

1.The State represented by its,
The Assistant Superintendent of Police,
Nilakottai Sub Division,
Nilakottai Police Station,
Dindigul District. : 1st Respondent/Investigation
Officer/Investigation Officer

2.The State rep. by its,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.184 of 2024) : 2nd Respondent/2nd Respondent/
Complainant

3.Thangapandi : 3rd Respondent/De-facto
Complainant/De-facto Complainant

Prayer: This Criminal Appeal is filed under Section 14A(2) of SC/ST(POA) Act 1989 as amended by Act 1/2016, to call for the entire records relating to the impugned order, dated 12/08/2024 made in Crl.MP No.1459 of 2024 on the file of the Special Court for Exclusive Trial of cases under SC/ST(POA) Act, Sessions Judge, Dindigul and to set aside the same and consequently to release the appellants on bail in connection with FIR in Crime No.184 of 2024 pending investigation on the file of the 1st respondent police.



WEB COPY



Crl.A(MD)Nos.700 to 702 of 2024

For Appellant : Mr.S.Sarvagan Prabhu

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.K.K.Samy

3.Crl.A(MD)No.702 of 2024:-

1.Vigneshwar

2.Karthick : Appellants/A1 and A2

Vs.

1.The State represented by its,
The Assistant Superintendent of Police,
Nilakottai Sub Division,
Nilakottai Police Station,
Dindigul District. : 1st Respondent/Investigation
Officer/Investigation Officer

2.The State rep. by its,
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.184 of 2024) : 2nd Respondent/2nd Respondent/
Complainant

3.Thangapandi : 3rd Respondent/De-facto
Complainant/De-facto Complainant

Prayer: This Criminal Appeal is filed under Section 14A(2) of SC/ST(POA) Act 1989 as amended by Act 1/2016, to call for the entire records relating to the impugned order, dated 12/08/2024 made in Crl.MP No.1460 of 2024 on the file of the Special Court for Exclusive Trial of cases under SC/ST(POA) Act, Sessions Judge, Dindigul and to set aside the same and consequently to release the appellants on bail in connection with FIR in Crime No.184 of 2024 pending investigation on the file of the 1st respondent police.



WEB COPY



Crl.A(MD)Nos.700 to 702 of 2024

For Appellants : Mr.S.Sarvagan Prabhu

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.K.K.Samy

COMMON JUDGMENT

These Criminal Appeals are filed seeking to set aside the impugned orders, dated 12/08/2024 passed in Crl.MP Nos.1479, 1459 and 1460 of 2024 by the Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Dindigul and consequently to release the appellants on bail in connection with FIR in Crime Nos.183 and 184 of 2024 pending investigation on the file of the 1st respondent.

2.Facts in brief:-

The case in Crime No.183 of 2024 was registered against five persons on the alleged offence of causing grievous assault to the injured namely Alagupandi. This is the first occurrence took place at about 07.00 pm on 06/05/2024 and there is series of occurrence and quarrel prior to the above said assault. Based upon the complaint, a case in Crime No.183 of 2024 was registered for the offences under sections 294(b), 323, 324, 307, 506(ii) of IPC and Section 4 of TNPHW Act and section 3(1)(r), 3(1)(s), 3(2)(V-a) of SC/ST (Prevention of Atrocities) Act,



1989. The accused were arrested and remanded to judicial custody.

WEB COPY

3. Seeking bail, the petitioners moved the Special Court, which dismissed the petition. Against which, they preferred this criminal appeal before this court in so far as the accused in Crime No.183 of 2024 concerned.

4. A case in Crime No.184 of 2024 was registered for the offences under section 302 IPC @ 120-B, 302 of IPC r/w 3(2)(v) of SC/ST (POA) Act, 1989. The time of the occurrence is stated to be 06/05/2024 at about 08.00 pm. The occurrence in Crime No.183 of 2024 took place as mentioned above on the same day at 07.00 pm. Not stopping with the assault made on the injured Alagupandi, the accused went to the deceased residence area and this time the victim was the deceased. He was sleeping in front of his house. According to the prosecution, the accused persons in Crime No.184 of 2024 caused gruesome murder of Alagar. So, sequence of events shows that the accused persons were on looking the victim for causing assault. Even though, it is stated that the reason for the occurrence is not a communal issue as projected by the prosecution, but continuous motivated assault, that too in a gruesome manner was taken into consideration by the trial court while dismissing the application.



5. But one thing was brought to the notice of this court at the time hearing in both matters, the accused are in custody for more than the statutory period.

6. Per contra, the learned Additional Public Prosecutor would submit that seeking extension of time for filing the final report, applications were filed and those applications were allowed by the trial court.

7. But the learned counsel appearing for the appellants would submit that as per the settled procedure, they are entitled for notice on extension request for filing the final report, when they are in custody. Denying the statutory bail, without their knowledge, extension petitions filed by the prosecution and those petitions were allowed by the trial court. So according to him, it deprived them of their statutory right. But this important fact was not brought to the notice of the trial court, while passing the order. It is not even considered.

8. In this context, we can refer to the judgment of this court in **Varun and another Vs. State rep. by the Inspector of Police, Sulur Police Station, Coimbatore (Cr1.OP No.901 of 2024, dated 01/02/2024)** and the copy of the judgment was also ordered to be circulated to all the



courts stating that the statutory bail application and the extension petition must be decided by the courts separately and not jointly.

9.Even though, the above said guideline has been formulated with reference to the offence under NDPS Act, it is needless to say that the very same procedure must be adopted in the present matter also, so that the rights which are available to the accused need not be curtailed.

10.As mentioned above, there is no indication in the order passed by the trial court touching the above said important aspect. But however, these criminal appeals were preferred against the dismissal order. Liberty is available to the appellants herein to approach the trial court for appropriate orders on statutory bail. In the event of such application is filed, the trial court may consider the same on its own merits, in the light of the settled proposition of law.

11.With the above said liberty, all the criminal appeals are **dismissed**, without going into the merits of the case.

Index : Yes/No
Internet : Yes/No
er

20/09/2024



Cr1.A(MD)Nos.700 to 702 of 2024

To,

- 1.The Sessions Judge,
The Special Court for Exclusive
Trial of cases under SC/ST(POA) Act,
Dindigul.
- 2.The Assistant Superintendent of Police,
Nilakottai Sub Division,
Nilakottai Police Station,
Dindigul District.
- 3.The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Cr1.A(MD)Nos.700 to 702 of 2024

G. ILANGO VAN, J

er

Cr1.A(MD)Nos.700 to 702 of 2024

20/09/2024