



Crl.A(MD)No.797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.797 of 2024

1.Satheeshkumar
2.Parthiban

... Appellants/Petitioners/
Accused 1 & 2

Vs.

1.State of Tamil Nadu Rep. by
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
(Crime No.148 of 2022)

... 1st Respondent/Complainant

2.Nagaraj

... 2nd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes Act, 1989, as amended by Act 1 of 2016, to call for the records pertaining to the order dated 09.09.2024 in Crl.M.P.No.3042 of 2024 on the file of II Additional Sessions Judge (PCR), Tirunelveli and to set aside the same and enlarge the appellant in connection with Crime No.148 of 2022 on the file of the 1st respondent police.

For appellants : Mr.V.Vijayendiran

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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For R2 : Mr.A.John Vincent

J U D G M E N T

Heard the learned Counsel appearing for the appellants, learned Government Advocate (Crl. Side) appearing for the first respondent and the learned counsel for the second respondent.

2.This Criminal Appeal has been filed to set aside the order, dated 09.09.2024 made in Cr.M.P.No.3042 of 2024 on the file of the II Additional Sessions Judge (PCR), Tirunelveli and enlarge the appellants on bail in connection with Crime No.148 of 2024 on the file of the 2nd respondent.

3.The facts in brief:

The appellants, are facing charges for the offences punishable under Sections 294(b), 302 of IPC r/w Sections 3(2)(va) of SC/ST (POA) Act, in Crime No.148 of 2024 on the file of the respondent police, before the trial Court in S.C.No.112 of 2022. During the course of trial the appellants remained absent on 04.07.2024. So they were secured on 18.08.2024. Seeking bail, they moved the trial Court in Crl.M.P.NO.3042 of 2024, which came to be dismissed by the trial court stating that if the appellants are released on



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bail, there is every likelihood of absconding and so it dismissed the same.

Against which this appeal has been preferred.

4.Lengthy argument was advanced on the side of the defacto complainant stating that there is no reason and proper motive, suspected that the first deceased was responsible for the arrest of this appellant by the police, he was done to death. It was followed by the murder of his brother also in the same course of transaction. If the appellants are released on bail, then possibility of threat to the remaining witnesses. So according to him, at least till the examination of the material witness are all over, the bail should not be granted.

5.Per contra, the learned counsel for the appellants would submit that only for one hearing, he could not appear before the trial court due to his ill-health. Even though, he informed his counsel to file proper application under Section 317 of Cr.P.C., but, he omitted. Within a month he was secured. Before that he was regularly appearing before the trial Court and also co-operating. So considering the same bail must be granted.

6.Per contra, the learned Government Advocate (Crl. Side) would



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submit that the first and second appellants are facing several cases.

Considering the bad antecedents, if the appellants are released on bail, then they may abscond, hampering the further trial process.

7.It is a case of double murder. Even though it is stated that the appellants were regularly appearing before the trial court during the course of trial, the fact remains that they were secured only on execution of warrant. Considering the bad antecedents, it appears that again they may abscond, hampering the further trial process. As contended by the defacto complainant the appellants can move bail application before the trial court itself after completion of the material witnesses are over.

8.In the meantime, report was called for from the trial court as to the stage of the trial process. Report submitted, which shows that PW1 and PW2 were examined in chief and the matter was posted for cross examination. The appellants' counsel stated that they are applied for CCTV footage copy. So cross examination must be differed. But, that was not accepted by the trial court. So the case was adjourned to 20.06.2024. Both accused were absent. Warrant was issued. It was executed and remanded to judicial custody on 08.08.2024. Now the case is posted to 25.10.2024 for further evidence.



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Reading of the report also suggests that the accused are not co-operating properly. On that ground also the appellants are not entitled for any relief as claimed by him. Appeal fails.

9. Accordingly, this criminal appeal stands dismissed.

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Index : Yes/No
Internet : Yes/No
TM

To

1. The II Additional Sessions Judge (PCR), Tirunelveli.
2. The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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