

Crl.A.No.258 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.258 of 2025

G.Mohandoss

... Appellant

Vs

1. The State represented by,
The Deputy Superintendent of Police,
Mayiladuthurai District.

2. The State represented by,
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.

3. Saravanan

... Respondents

PRAYER: Criminal Appeal filed under Section 14(2)-A of SC/ST (Prevention of Atrocities Amendment Act 2015 read with 415 (3) of BNSS, to set aside the order passed in Crl.M.P.No.174 of 2025 dated 19.02.2025 on the file of the District and Sessions Judge, Mayiladuthurai and to enlarge the appellant on bail in Spl.S.C.No.220 of 2024 on the file of the District and Sessions Judge, Mayiladuthurai.



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Crl.A.No.258 of 2025

For Appellant : Mr.K.Venkatesan

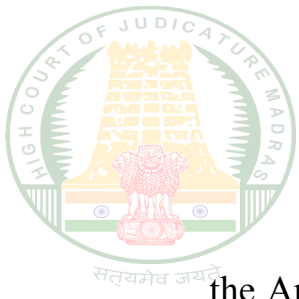
For R1 & R2 : Mr.S.Sugendran
Additional Public Prosecutor

JUDGEMENT

This Criminal appeal has been filed to set aside the order dated 19.02.2025 passed in Crl.M.P.No.174 of 2025 by the District and Sessions Court, Mayiladuthurai and to enlarge the appellant on bail in Spl.S.C.No.220 of 2024 on the file of the District and Sessions Court, Mayiladuthurai.

2. Heard the learned counsel appearing for the appellant and the learned Additional Public Prosecutor appearing for the official respondents and perused the materials available on record.

3. Learned counsel for the appellant submitted that the second respondent-Police registered a case against the appellant and others in Crime No.161 of 2024, for the offences under Sections 147, 148, 341 294(b), 324, 326, 149, 307, 302, 120-B IPC read with Section 25(1)(b) of



Crl.A.No.258 of 2025

WEB COPY

the Arms Act and Sections 3(1)(r), 3(1)(s) and 3(2)(ca) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Amendment Act.

The de-facto-complainant has given a false complaint against the appellant on suspicion. There is no specific overtact attributed as against the appellant herein. The appellant is innocent and he has not committed any offence as alleged by the prosecution. The appellant is under judicial custody for more than 320 days. Hence, the appellant filed a petition in Crl.M.P.No.174 of 2025 under Section 483 of the BNSS before the learned District and Sessions Judge, Mayiladuthurai, seeking to enlarge him on bail. The learned Sessions Judge dismissed the same, vide impugned order dated 19.02.2025. Aggrieved by the same, the appellant has filed this criminal appeal.

4. Learned Additional Public Prosecutor appearing for the respondents-Police submitted that the trial had already commenced and five witnesses have been examined so far in chief. However, the appellants have not been cross examined by the other side. Summons were issued for further examination of witnesses. Trial is in progress. If



Crl.A.No.258 of 2025

WEB COPY

the appellant is released on bail, there is every possibility of tampering the witnesses and he may be absconding and the trial would be protracted. Hence, he prayed for dismissal of this criminal appeal.

Heard and perused the records.

5. The second respondent-Police registered a case against the appellant and others in Crime No.161 of 2024, for the offences under Sections 147, 148, 341 294(b), 324, 326, 149, 307, 302, 120(B) IPC read with Section 25(1)(b) of the Arms Act and Sections 3(1)(r), 3(1)(s) and 3(2)(ca) of the SC/ST (POA) Amendment Act. The respondent/Police filed a charge sheet and the same was taken on file in Spl.S.C.No.220 of 2024 on the file of the District and Sessions Court, Mayiladuthurai. Trial has commenced and five witnesses have been examined so far. The appellant is in custody. The reason stated by the learned counsel for the appellant is that he is unable to get instructions from the appellant. It is for him to workout his remedy. Since the trial had already commenced, if the appellant is released on bail, there is a possibility of tampering the witnesses.



CrI.A.No.258 of 2025

WEB COPY

6. On a perusal of the records and considering the serious nature of the offences, this Court is not inclined to interfere with the order passed by the learned Sessions Judge. However, the appellant is at liberty to work out his remedy by proceeding with the case further. The trial Court is directed to examine all the witnesses on day-to-day basis and dispose of the case within a reasonable time.

7. With the abovesaid direction, this Criminal Appeal is dismissed.

07.03.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The District and Sessions Judge, Mayiladuthurai.
2. The Deputy Superintendent of Police,
Mayiladuthurai District.
3. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai District.



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Crl.A.No.258 of 2025

P.VELMURUGAN, J

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Crl.A.No.258 of 2025

07.03.2025