



Crl.A.No.1208 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.A.No.1208 of 2025

Parthipan

... Appellant

Versus

The State represented by

1.The Deputy Superintendent of Police,
Bhavani Sub-Division,
Chithode Police Station.

2.The Inspector of Police,
Chithode Police Station.
(Crime No.137 of 2025)

3. S.Saranya

... Respondents

PRAYER: Criminal Appeal is filed under Section 14(A) of SC/ST Act r/w 415(2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the impugned order dated 01.07.2025 passed in Crl.M.P.No.1698 of 2025 on the file of Principal District and Sessions Judge, Erode and enlarge the appellant/accused on bail in Crime No.137 of 2025.

For Appellant : Mr. D. Mario Johnson

For Respondent : Mr. A. Gopinath, (for R1 & R2)
Government Advocate (Crl.Side)



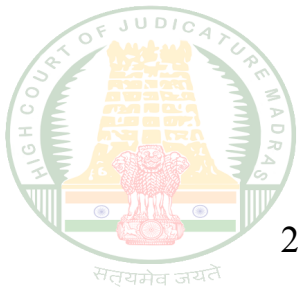
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JUDGEMENT

WEB COPY This Criminal Appeal has been filed against the order dated 01.07.2025 passed in Crl.M.P.No.1698 of 2025 on the file of Principal District and Sessions Judge, Erode, enlarging the appellant/accused on bail in connection with the Crime No.137 of 2025.

2. The case of the prosecution is that the husband of the defacto complainant was murdered by the appellant, along with other accused, pursuant to a criminal conspiracy. It is alleged that the accused assaulted the deceased with an *aruval* (billhook), causing his death on the spot. The deceased belongs to Scheduled Caste community. Hence, the case.

2.1 On 19.03.2025, when the defacto complainant/third respondent and her deceased husband were traveling in a car on the Salem to Tiruppur Main Road near Nasiyanur, the appellant and other accused are said to have conspired together and intentionally dashed the car of the defacto complainant from behind, and abused them by referring to their caste, and assaulted the deceased with a billhook. The victim succumbed to the severe injuries sustained on the spot.



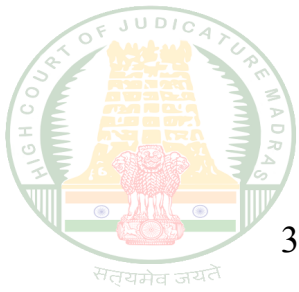
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2.2 Therefore, the Inspector of Police, Chithode Police Station,

WEB CERN Erode District, registered the First Information Report in Crime No.137 of 2025 for the offences punishable under Sections 191(2), 191(3), 109(1), 103, 49, 61(2), 3(5) of the Bharatiya Nyaya Sanhita, (BNS), 2023, and Section 3(2)(v)(va) of SC/ST (POA) Act, 1989.

2.3 Pursuant thereto, some of the accused persons surrendered before the concerned jurisdictional Magistrate, while others were arrested. In the meantime, the appellant/A13 filed a petition in Crl.M.P.No.1698 of 2025 before the Principal District and Sessions Judge, Erode, seeking bail on the ground that the law enforcing agency had failed to file the final report within the stipulated time, which was considered by the Trial Court, and vide order dated 26.06.2025 granted an interim bail to the appellant on condition that he shall surrender before the Trial Court on 25.07.2025 at 10:30 A.M.

2.4 Similarly, the other accused had also filed bail petitions before the Trial Court in Crl.M.P.Nos.1699, 1700, 1701 and 1742 of 2025. However, by way of a common order dated 01.07.2025, those petitions were dismissed. Aggrieved the same, the present appeal has been filed before this Court, seeking bail.



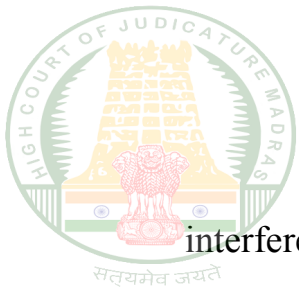
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3. The learned counsel appearing for the appellant submitted that

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once the law enforcing agency fails to file the final report within the stipulated period, the appellant becomes entitled to statutory bail. However, the Trial Court, instead of granting regular bail, has erroneously granted only interim bail, which is wholly unsustainable. He further submitted that the appellant has been in incarceration for more than 90 days. Hence, he prays that the appellant/A13 be enlarged on regular bail.

4. The learned Government Advocate (Criminal side) appearing for the first and second respondents submitted that the present case pertains to a pre-planned murder, and that the appellant has previous criminal antecedents. It is alleged that, in broad daylight, the appellant, along with other accused attacked the defacto complainant and her husband with a billhook (*aruval*), causing grievous injuries, as a result of which, the husband of the defacto complainant died on the spot. He further submitted that the charge sheet has now been filed before the concerned Court and is pending consideration for cognizance. He also submitted that the appellant committed very serious and heinous offence as against the deceased. Therefore, the Trial Court has rightly restricted the relief to interim bail and dismissed the plea for regular bail. Therefore, it does not warrant any



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interference of this Court. Accordingly, he prays for dismissal of the appeal.

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5. Heard the learned counsel appearing for the appellant and learned Government Advocate (Criminal side) appearing for the first and second respondents, and also perused the materials available on record.

6. Admittedly, the appellant is arrayed as A13 in this case. On 19.03.2025, when the deceased was traveling in a car along with his wife, viz., the defacto complainant, in compliance with a condition imposed upon him, when he was granted bail in another case in which he stood as an accused, the appellant along with the other accused persons allegedly intercepted the car, dashed it, and brutally attacked the deceased. As a result, the deceased sustained grievous injuries and died on the spot. The said incident was videographed by several commuters, and the footage was produced before this Court on 25.07.2025. The occurrence was taken place in broad daylight, that too, on a four lane road.

7. This Court, in its earlier order dated 25.07.2025 in Crl.A.Nos.612, 873, 874, 921 & 1065 of 2025, filed by the accused in connection with the same incident, had already observed that when interim



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bail was granted to A1, he threatened the defacto complainant and her brother-in-law with dire consequences, warning that they would be murdered if any steps were taken to cancel the interim bail granted to him. Pursuant to which, a complaint was lodged by the defacto complainant before the Inspector of Police, Kitchipalayam Police Station, Salem, and the same was registered in Crime No.234 of 2025 for the offences punishable under Sections 296(b), 351(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Thus, the accused/A1 had committed further offences even while he was in interim bail. As far as other accused persons are concerned, there are specific overt acts attributed to each of them. Further, it is alleged that all the accused persons have brutally attacked the deceased to death, which clearly establishes that it is nothing but a retaliation murder. It is also seen that A1 had been involved in 11 cases, A2 had been involved in 14 cases, A9 had been involved in 13 cases and A6 had been involved in 14 cases. All the accused/appellants therein are notorious criminals, and if they are let out on bail, there is a strong likelihood of hampering and tampering the witnesses and evidence. Further, having accepted the interim bail granted by the Trial Court and having surrendered before it on that day itself, the accused/appellants cannot be permitted to challenge the very order granting interim bail. Therefore, this



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Court was not inclined to grant bail to the appellants therein, and dismissed

those appeals.

8. Considering the above facts and circumstances, this Court finds no infirmity or illegality in the order passed by the Trial Court. Accordingly, this Criminal Appeal is dismissed. However, the Trial Court is directed to take cognizance of the final report filed by the law enforcing agency and complete the trial within a period of six (6) months from the date of receipt of a copy of this Judgement.

12.08.2025

klr

To

1. The Principal District and Sessions Judge, Erode.
2. The Superintendent of Police, District Jail, Tiruppur.
3. The Deputy Superintendent of Police,
Bhavani Sub-Division, Chithode Police Station.
4. The Inspector of Police, Chithode Police Station.
5. The Public Prosecutor, High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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