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CRL A No. 1293 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1293 of 2025

SURIYA

Appellant

Vs

1. The Deputy Superintendent of Police
Velur Sub Division.

2.The State rep by
The Inspector of Police
Velagoundampatty Police Station,
Namakkal District.

3.Jeyakodi

Respondents

PRAYER

Criminal Appeal filed under Sec.14A (2) SC/ST (POA) Amended Act, 2015, praying to set aside the order made in Crl.M.P.No.144 of 2025 in Spl.S.C.No.14 of 2025 on the file of the Sessions Judge, Special Court for SC/ST (POA) Act, Namakkal and enlarge the Appellant on bail in connection with the case in Spl.S.C.No.14 of 2025 pending trial on the file of the Sessions Judge, Special Court for SC/ST(POA) Act, Namakkal.



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For Appellant: Mr. D.Balaji

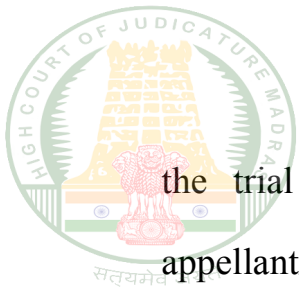
For Respondents: Mr.V.Meganathan
Govt. Advocate (Crl. Side) for R1 and R2
R3 – No appearance

ORDER

This Criminal Appeal has been filed as against the order dated 03.06.2025 passed by learned Sessions Court, Special Court for SC/ST (POA) Act, Namakkal in Crl.M.P.No.144 of 2025 in Spl.S.C.No. 14 of 2025, thereby dismissed the petition for bail.

2. The appellant is arrayed as A1 in Crime No.02 of 2025 on the file of 2nd respondent registered for the offences punishable under Secs. 103(1), 61(2) and 49 of BNS, 2023 r/w Sec.3(2)(V) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act.

3. The contention of appellant/1st accused is that he was not involved in the alleged offence of murder, he was falsely implicated in this case and he has also not conspired with other accused to commit murder of deceased Sanjay on 01.01.2025. He was in judicial custody nearly about 218 days. As on date, the investigation completed and final report was also filed. He is ready to abide by any condition that may be imposed by this court and prayed to grant bail. But,



the trial court had erroneously dismissed the petition holding that this appellant/1st accused also travelled in a car viz., Mahendira Vertio along with accused with deadly weapons in the place of occurrence and he was also actively participated in the conspiracy with other accused to commit the murder. Therefore, the trial court is not inclined to grant bail and accordingly, the petition was dismissed. Challenging the said order, now the appellant/1st accused preferred this Criminal Appeal.

4. The learned counsel for appellant argues that even as per the investigation, it reveals that he was not present at the time of alleged commission of murder and even as per prosecution, he travelled along with other accused with deadly weapons only on 31.12.2024 on the previous day of occurrence and not on the date of occurrence. But, this fact was not properly appreciated by the trial judge and erroneously dismissed the petition. Hence, he prayed to set aside the findings of trial judge and prayed for bail with any condition that may be imposed by this court.

5. The learned Government Advocate (Crl. Side) appearing for respondents raised strong objections stating that on the previous day of occurrence viz., 31.12.2024, this appellant along with A2 and A3 with deadly weapons riding the car Mahindra Verito and searching the deceased Sanjay with the intention to kill him, when he was not available, it was not worked out and

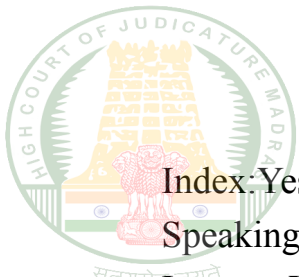


on the next day, on 01.01.2025, the occurrence was happened. Therefore, this petitioner also had knowledge of conspiracy. Hence, the findings of trial judge as such is sustainable one. If he is released on bail, he may abscond and tamper the evidence. Hence, he prayed to dismiss this Criminal Appeal.

6. Heard both sides and perused materials available on record.

7. Considering both side submissions, the fact reveals that the appellant is arrayed as 1st accused in Crime No. 2 of 2025 and according to prosecution, on 01.01.2025 at the early hours of around 3'o clock, the accused 1 and 2 along with other accused conspired to commit murder of Sanjay with a previous motive and for that conspiracy, this appellant/1st accused also assisted them by using the car belong to third party. Therefore, he was actively participated in the conspiracy. Now, the investigation completed and final report was also filed, wherein the fact reveals that this appellant/1st accused along with other accused travelled in a car belongs to one Ramesh with deadly weapons to commit murder of deceased and he is having two previous cases. At this stage, if he is released on bail, there is possibility of tampering evidence and hampering investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

03-09-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Court, Special Court for SC/ST (POA) Act, Namakkal.

2. The Deputy Superintendent of Police

Velur Sub Division.

3. The Inspector of Police

Velagoundampatty Police Station, Namakkal District.

4. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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