

Crl.A(MD)No.300 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :19.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD)No.300 of 2025

Sanjaikumar @ Sanjai @ Vellasanjai

... Appellant

Vs.

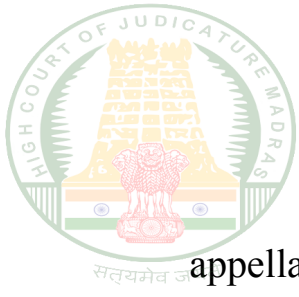
1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai District.

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.389 of 2024)

3.T.Sundhar

... Respondents

PRAYER: Appeal filed under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records connected to the order, dated 24.02.2025 in Crl.M.P.No.7 of 2025, on the file of the learned III Additional District and Sessions Court (PCR), Madurai and set aside the same by allowing the criminal appeal and consequently enlarge the



Crl.A(MD)No.300 of 2025

appellant on bail, in connection with the case in Crime No.389 of 2024, on the file of the second respondent police.

For Appellant : Mr.S.Rajasekaran
For R1 & R2 : Mr.A.S.Abdul Kalam Azad
Government Advocate
For R3 : Mr.Banuprasath

J U D G M E N T

This Criminal Appeal is filed as against the order of the learned Judge, III Additional District and Sessions Court (PCR), Madurai, in Crl.M.P.No.7 of 2025 in Spl.S.C.No.119 of 2024, dated 24.02.2025, denying bail to this appellant.

2.The appellant has been arrayed as accused in Crime No.389 of 2024, on the file of the second respondent police, for the offence under Sections 296(b), 351(3), 109, 118(2) of BNSS & Section 3 of TNPPDL Act r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. He was arrested and remanded to judicial custody on 22.11.2024 and since then he is languishing in jail.



Crl.A(MD)No.300 of 2025

WEB COPY

3.The learned counsel appearing for the appellant submits that the appellant has not committed any offence as alleged by the prosecution. However, the trial Court has rejected the bail application on the objections raised by the Special Public Prosecutor. He also submits that the investigation in Crime No.389 of 2024 has already been completed by the respondent police and a final report has been filed before the trial Court, which has also been taken on file in Spl.SC No.119 of 2024. Therefore, the learned counsel requests to release the appellant on bail that he will abide by any conditions to be imposed by this Court.

4.The learned counsel appearing for the third respondent submits that the appellant has assaulted the defacto complainant brutally and on account of that, he has suffered grievous injuries, for which, he took treatment for 15 days as inpatient.

5.The learned Government Advocate has raised serious objections that this appellant is a habitual offender, having several



Crl.A(MD)No.300 of 2025

criminal cases to his credit. He has also furnished the details about the

WEB COPY

criminal cases which are pending as against this appellant.

Sl.No	Name of the Police Station	Crime Nos.	offences
1	Alanganallur	213/2023	34, 392 IPC
2	Othakadai	297/2022	394 IPC
3	Othakadai	590/2021	147,148,149,302,342,427 IPC and Section 3 of TNPPDL Act, Section 3(2) (va) of SC/ST(POA) Act.
4	Othakadai	520/2021	294(b), 323, 341, 427, 506(i) IPC
5	Othakadai	88/2023	294(b), 323, 324, 506(ii) IPC
6	Othakadai	318/2023	379 IPC
7	Othakadai	351/2023	379 IPC
8	Othakadai	471/2023	392 IPC
9	Othakadai	362/2024	392, 397 IPC
10	Othakadai	364/2024	296(b), 115(2), 118(1), 351(3) of BNS
11	Othakadai	389/2024	296(b), 118(1), 351(3) BNS & 3 of TNPPDL Act and Section 4 of TNPHW Act r/w 3(1) ®, 3(1)(s), 3(2)(va) of SC/ST (POA) Act.
12	Thirupuvanam	270/2023	392, 506(ii) and 34 IPC

The learned Government Advocate further submits that the appellant is a history sheeted rowdy in HS No.441/2024, on the file of Othakadai

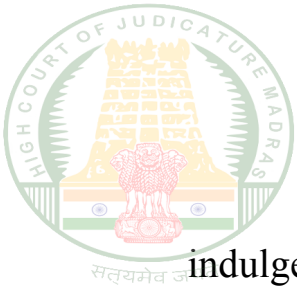


Crl.A(MD)No.300 of 2025

police station. If he is released on bail, there may be chances for absconding and trial would be delayed and also he may involve in further offence.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.The appellant is an accused in Crime No.389 of 2024, on the file of the second respondent police, for the offence under Sections 296(b), 351(3), 109, 118(2) of BNSS & Section 3 of TNPPDL Act r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. It is reported that he was arrested and remanded to judicial custody on 22.11.2024 and since then he is languishing in jail. On the side of the appellant, it is claimed that the final report has been filed before the trial Court and the same was taken on file in Spl.SC No.119 of 2024. The third respondent claims that the injury caused by this appellant is grievous in nature and he was hospitalized for 15 days for taking treatment. The objections of the Public Prosecutor that if the appellant is released on bail, he may



Crl.A(MD)No.300 of 2025

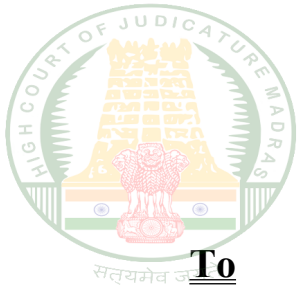
WEB COPY

indulge in further offences and there is possibility of absconding, cannot be ruled out. This Court has to consider the antecedents of this appellant that he has involved in twelve criminal cases as stated supra.

8.In view of the above, this Court is not inclined to entertain this Criminal Appeal. At this juncture, the learned counsel for the appellant seeks permission of this Court to withdraw this Criminal Appeal. Since this Court has already taken a decision to dismiss this Criminal Appeal on the objections of the learned Government Advocate, this Court does not permit the learned counsel to withdraw this Criminal Appeal and this Criminal Appeal is dismissed.

19.03.2025

Index : Yes/No
Internet : Yes/No
vrn



Crl.A(MD)No.300 of 2025

To

WEB COPY

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai District.
- 2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.389 of 2024)



WEB COPY



Crl.A(MD)No.300 of 2025

B.PUGALENDHI, J.,

vrn

Judgment made in
Crl.A(MD)No.300 of 2025

19.03.2025