

Crl.A(MD)No.365 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A(MD)No.365 of 2025

Raja @ Pura Raja

... Appellant

Vs

1.State of Tamil Nadu
Represented by
The Deputy Superintendent of Police,
Tiruhendur Police Station,
Thoothukudi District.

2.The Inspector of Police,
All Women Police Station,
Tiruhendur Police Station,
Thoothukudi District.
Crime No.270 of 2023

3.Pechiammal

... Respondents

PRAYER: Appeal filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, as against the order of dismissal passed by the learned Judge, Special Court for Exclusive trial of cases under SC/ST (POA) Act, Thoothukudi (FAC) in Cr.MP.No.40 of 2025 in Crime No.270 of 2023, dated 06.03.2025.



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For Appellant : Mr.J.Joseph Zinoson
For R1 & R2 : Mr.A.S.Abdul Kalam Asad
Government Advocate
R3 : Party in person

J U D G M E N T

This appellant is arrayed as A1 in Crime No.270 of 2023, on the file of the Tiruchendur Police Station, for the offence under Sections 364, 365, 302, 201 IPC and Section 3(2)(v) of SC/ST(POA) Act that this appellant along with three others said to have murdered one Balakannan on 07.09.2023 in a TASMAC shop. The applications filed by this appellant before the I Additional District and Sessions Judge, Thoothukudi for bail were dismissed thrice by the trial Court and appeals filed by this appellant as against the dismissal orders have also been dismissed by this Court, considering his antecedents and the manner, in which, the dead body was concealed. He was arrested on 14.09.2023. The appellant has also moved another application before the trial Court in Cr.MP.No.40 of 2025, seeking bail and the same was dismissed by the trial Court on 06.03.2025. Challenging the same, the appellant has filed this criminal appeal.



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2.The case of the prosecution is that on 07.09.2023, this appellant along with his friends were consuming liquor in a TASMAC shop and at that time, one Balakannan, the deceased, who was also a drunkard had demanded the appellant and his friends to provide liquor to him. He also went to an extent of intimidating this appellant and others that in the event if they are not providing liquor, he would foist a false case as against them, under the provisions of SC/ST(POA) Act. There was a quarrel. The deceased has also said to have caused damage to the motorcycle of this appellant/A1. Therefore, this appellant /A1 along with the other accused attacked the deceased with broken beer bottle and caused fatal injury to him. After murdering him, all the accused said to have buried the dead body and that was detected by the investigation agency by the confession statement of the co-accused.

3.The learned counsel appearing for the petitioner submits that except this appellant, all other accused in Crime No.270 of 2023 have been released on bail. The final report was filed and the same



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was taken on file in SC No.19 of 2024 by the Special Court for SC/ST Act Cases, Thoothukudi, however, the trial has not proceeded as there is no regular judicial Officer in the Special Court. He also submits that this appellant is in jail for the past 1 ½ years.

4.The learned Government Advocate appearing for the respondent police submits that this appellant is a history sheeted rowdy. He has involved in nine previous cases. The details of the previous cases as against this appellant are as under:-

SL.N o.	Crime Numbers	Name of the Police Station	Nature of Offences
1.	406/2015	Tiruchendur	379 IPC
2.	88/2016	Arumuganeri	457, 380 and 511 IPC
3.	89/2016	Arumuganeri	457, 380 IPC @ 457, 380, 511 IPC
4.	540/2017	Thoothukudi North	379 IPC
5.	169/2017	Meignanapuram	379 IPC
6.	170/2017	Meignanapuram	379 IPC
7.	171/2017	Meignanapuram	379 IPC
8.	312/2022	Tiruchendur	294b, 324, 307, 506(ii) IPC



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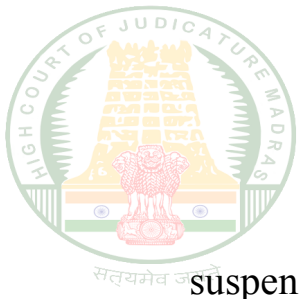


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9.	270/2023	Tiruchendur	Man missing @ 364,365,302,201 IPC & 3(2)(v) of SC/ST(POA) Amendment Act, 2015.
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5.In reply, the learned counsel for the appellant submits that out of nine cases, eight cases were ended in acquittal and only one case is pending and in that case also, the witnesses have not supported the case of the prosecution. He also undertakes that this appellant will regularly appear before the trial Court and co-operate for the trial. The learned counsel has also furnished copies of judgments in CC Nos.62 of 2022, 63 of 2022 and 64 of 2022, dated 10.04.2024 rendered by the learned Judicial Magistrate, Sathankulam, wherein he was acquitted. Copies of depositions in SC No.258 of 2023 are also placed before this Court.

6.The Defacto complainant, who is present before this Court has raised serious objections for grant of suspension of sentence to the appellant that she is having two children and, if he is granted with



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suspension of sentence, he may cause harm to the defacto complainant and her children.

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

8. Even as per the prosecution case, the deceased Balakannan had intimidated the accused, who were in TASMACH shop to provide him liquor and when the same was refused by the appellant, the deceased went to an extent of damaging the appellant's vehicle, thereby, there was a clash between the deceased and the appellant. Fatal injuries were caused by the appellant on the deceased, by using the broken beer bottle. The appellant was arrested on 14.09.2023 and since then he is in jail. It is also brought to the notice of this Court that the co-accused have been released on bail. The earlier appeals filed by this appellant were rejected by this Court, considering his antecedents, overt act as against him and also the manner, in which the dead body was buried. It appears that though the final report was filed in the year



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2024, the trial could not be proceeded for want of regular Judicial Officer. With regard to the previous cases as against this appellant, it is stated that in three cases registered as against this appellant in Crime Nos.169 to 171 of 2017, on the file of the Meignanapuram Police Station for the offence under Section 379 IPC, this appellant has been acquitted. In respect of a case in Crime No.312 of 2022 on the file of Tiruchendur Police Station, the prosecution witnesses themselves have not supported the case of the prosecution.

9.In view of the above and considering the period of incarceration, this Court is inclined to allow this Criminal Appeal. Accordingly, this Criminal Appeal is allowed and the order passed by the learned I Additional District and Sessions Judge, Thoothukudi in Crl.MP.No.40 of 2025, dated 06.03.2025, is hereby set aside. The appellant is ordered to be released on bail on the following conditions:-



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i) The appellant shall execute a bond for a sum of Rs.50,000/-(Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, Thoothukudi(FAC). One surety shall be a respectful person in the Society and another surety must be his mother.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii)The appellant shall stay at Trichy and report before the Inspector of Police, Thottiam Police Station daily at 10.30 a.m., and 5.00 p.m., until further orders except the day, in which, he has to appear before the trial Court.

iv)The appellant shall file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not involve in any offence in future and will not visit the place of occurrence. He has to further undertake that he will not



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disturb the defacto complainant and her children.

v) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The appellant shall co-operate for the investigation.

vi) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

26.03.2025

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To
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- 1.The Special Court for Exclusive trial of cases under SC/ST(POA) Act, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Tiruhendur Police Station,
Thoothukudi District.
- 3.The Inspector of Police,
All Women Police Station,
Tiruhendur Police Station,
Thoothukudi District.
- 4.The Inspector of Police,
Thottiam Police Station,
Trichy.
- 5.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.



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B.PUGALENDHI, J.,

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Judgment made in
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