

Crl.A.(MD)Nos.359 of 2025, etc., batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.A(MD)Nos.359, 346, 360 & 326 of 2025

M.Gopalakrishnan	: Appellant in Crl.A(MD)359/2025
1.Karmegam	
2.Malaikolunthu	: Appellants in Crl.A(MD)346/2025
Malaichamy	: Appellant in Crl.A(MD)360/2025
Ajithbalan	: Appellant in Crl.A(MD)326/2025

Vs.

1.State through
The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

2.The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Cr.No.39/2020

3.Lakshmanan	: Respondents in all Appeals
--------------	------------------------------



Crl.A.(MD)Nos.359 of 2025, etc., batch

COMMON PRAYER: Appeals filed under Section 14A(2) of the SC / ST [POA] Amendment Act, 2015, to call for the records relating to the impugned order passed in Crl.MP.Nos.18, 19, 20 of 2025, dated 04.03.2025, on the file of the learned III Additional District and Sessions Judge, Madurai and Crl.MP.No.320 of 2024, dated 17.02.2025, on the file of the learned III Additional District and Sessions Judge, Madurai and set aside the same and enlarge the appellants on bail.

For Appellants : Mr.V.Kathirvelu,
Senior Counsel
Assisted by Mr.K.Jeyamohan
in Crl.A(MD)Nos.359, 346, 360/2025

Ms.A.Banumathy
in Crl.A(MD)No.326/2025

For Respondents: Mr.A.S.Abdul Kalam Azad
Government Advocate (Crl. Side)
for R.1, R.2

Mr.Henri Patrick Tiphange
for R.3



Crl.A.(MD)Nos.359 of 2025, etc., batch

COMMON JUDGMENT

WEB COPY

These Criminal Appeals are filed as against the orders passed by the learned III Additional District and Sessions Judge (PCR), Madurai, in Crl.MP.Nos.18, 19, 20 of 2025, dated 04.03.2025 and Crl.MP.No.320 of 2024, dated 17.02.2025, in connection with Crime No.39 of 2020 on the file of the Melavalavu Police Station, rejecting the bail applications.

2.Since all these criminal appeals are arising out of the rejection of bail in connection with the same criminal case, all the appeals are taken up for hearing together and are disposed of by way of this common judgment.

3.The appellants before this Court are accused nos.1 to 4 & 11 in Crime No.39 of 2020, on the file of the Melavalavu Police Station. The allegation as against these appellants is that when one Suresh, the defacto complainant's friend, was attempting to fence the property, pursuant to the survey conducted on 24.02.2020, the appellants have abused and attacked the said Suresh as well as the defacto complainant, who accompanied him and caused injuries to them. On the complaint lodged by the third



Crl.A.(MD)Nos.359 of 2025, etc., batch

respondent / defacto complainant, the case in Crime No.39 of 2020 was registered for the offence u/s.147, 148, 447, 341, 294(b), 323, 324, 307, 379 IPC and Section 3(2)(va) of SC / ST [POA] Amendment Act. The appellants were arrested on 05.08.2023 and bail was granted to them by the trial Court in Crl.MP.Nos.445, 447 of 2020, dated 09.09.2020. However, it was later cancelled by this Court in Crl.OP(MD)Nos.10559, 10561 of 2020, dated 31.03.2023, considering the subsequent registration of a case in Crime No. 202 of 2022, on the file of the Melavalavu Police Station, as against these appellants, for the offence under Section 147, 148, 341, 302 and 506(ii) IPC that these appellants along with other accused have murdered one Suresh, who is a witness in Crime No.39 of 2020. It is reported that the bail granted to the appellants / A1, A2 & A11 in Crime No.202 of 2022 was also cancelled by this Court in Crl.OP(MD) No.16237 of 2023, dated 06.09.2024.

4.The earlier Criminal Appeals preferred by these appellants / accused nos.1 to 4 & 11 in Crl.A(MD)Nos.189, 188, 112 and 185 of 2024, challenging the orders passed by the III Additional District and Sessions Court (PCR), Madurai, rejecting their bail applications, were also dismissed



by this Court, by order, dated 06.09.2024. In fact, this Court has elaborately discussed and dismissed the earlier appeals filed by the appellants. These appeals are now filed as against the subsequent orders passed by the trial Court, seeking bail on the ground that the trial has commenced and that most of the witnesses have been examined and also for the purpose of enabling them to defend their case.

5.Learned Senior Counsel appearing for the appellants / accused has made his submissions as under:-

5.1.Three Kanmois, namely, (i) Murugakone Kanmoi situated in S.Nos.811/1 to 4, (ii) Puthukanmoi @ Sinnankulam situated in S.No.805/1 to 3 and (iii) Nayakankulam Kanmoi situated in S.Nos.815, 819 of A.Vallalapatti Village, Melur Taluk, Madurai District, were encroached by the father-in-law of the defacto complainant. The first accused / Gopalakrishnan has raised this issue by way of a public interest litigation in WP(MD)No.8286 of 2012 seeking a mandamus to remove the encroachments. This Court, by order dated 06.08.2014, has allowed that writ petition and ordered for removal of encroachments. For having raised



On this issue, several criminal cases have been foisted as against the first accused and his family, at the instance of the encroachers.

Some of the cases and its present status are as follows:-

i) Crime No.42 of 2012 on the file of the Melavalalu Police Station for the offence u/s.147, 148, 294(b), 506(ii) IPC and Section 4 of TNPWH Act. This case was quashed by this Court in Crl.OP(MD)No.5440 of 2015, dated 25.03.2015.

ii) Four cases have been registered u/s.107 CrPC in Crime Nos.93 of 2011, 13 of 2013, 153 of 2014, 166 of 2014 and all of them have been closed as infructuous.

iii) Crime No.6 of 2013 for the offence u/s.147, 148, 294(b), 323, 324, 506(ii) IPC. The matter has been compromised between the parties.

iv) Crime No.34 of 2013 for the offence u/s.147, 148, 294(b), 341, 323, 324, 325, 506(ii) IPC. The case was closed as mistake of facts.

v) Crime No.11 of 2014 for the offence u/s.147, 148, 294(b), 323, 324, 506(ii) IPC. The case was closed as mistake of facts.

vi) Crime No.62 of 2015 u/s.145 CrPC. The case was closed as mistake of facts, after an enquiry by the Revenue Divisional Officer.



Crl.A.(MD)Nos.359 of 2025, etc., batch

vii) Crime No.93 of 2013 for the offence u/s.147, 148, 294(b), 323, 324, 355, 427, 506(ii) IPC. The case was quashed by this Court in Crl.OP(MD)No. 21965 of 2013, dated 22.01.2015.

viii) Apart from the above, five other cases have also been registered. All these cases have been registered pending the writ petition in WP(MD)No.8286 of 2012. The first accused / Gopalakrishnan withstood all these cases, effectively contested the writ petitions and obtained orders for removal of encroachments in the water bodies.

ix) At the instance of the encroachers, a history sheet was also opened as against the first accused in HS.No.86 of 2013. It was closed pursuant to the order of this Court in WP(MD)No.13308 of 2021, dated 29.11.2021.

5.2.The encroachers are very powerful and influential persons. Therefore, despite the order passed by this Court in WP(MD)No.8286 of 2012, dated 06.08.2014, the encroachments have not been removed. On the very same encroachment issue, this Court in WP(MD)No.22360 of 2018, filed by the first accused, by order dated 29.03.2018, issued a direction to the District Administration, Madurai, to remove the encroachments in the



water bodies. However, it was also not attended to. Therefore, the first accused has filed a third writ petition before this Court in WP(MD)No. 23682 of 2024, wherein, a copy of the proceedings of the Commissioner of Land Administration, Chennai, dated 03.09.2021, to restore and to preserve the three water bodies at Vallalapatti, Melur Taluk was produced. Recording the undertaking given by the official respondents that the encroachments would be removed within a period of four weeks, this Court disposed of the third writ petition by order dated 04.09.2024. However, it has not been removed till date.

5.3. Therefore, according to him, for having raised the issue of encroachment of three water bodies at Vallalapatt Village, the first accused was targeted by the encroachers by foisting false cases as against him and his family members, in order to coerce him to withdraw the writ petitions filed by him. However, he withstood all the harassments, succeeded in the public interest litigation, obtained orders for removal of encroachment and the criminal cases registered against him pending the public interest litigation were also subsequently quashed.



WEB COPY

5.4.The present case in Crime No.39 of 2020 is also yet another foisted case at the instance of the encroacher, Kusalavan, through his son-in-law, ie., the defacto complainant / third respondent. Kusalavan is a caste Hindu. His son-in-law / defacto complainant belong to Schedule Caste. In order to foist a case under the provisions of the SC / ST Act, the complaint has been lodged through the defacto complainant with self inflicted injuries. The case in Crime No.39 of 2020 was not only registered as against the first accused, but also registered as against his relatives and family members.

5.5.When the defacto complainant was treated before the Government Hospital, Melur, he informed that he was assaulted by twenty persons. However, in the Wound Certificate recorded by the Meenakshi Mission Hospital, the defacto complainant has informed that he was assaulted by four unknown persons. The case in Crime No.39 of 2020 was registered as against 13 persons and all the family members of the first accused / Gopalakrishnan were added as accused. Taking cognizance as to the

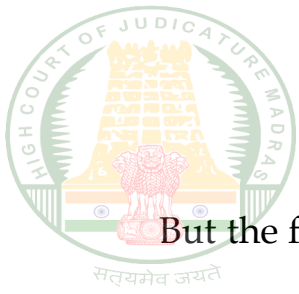


Crl.A.(MD)Nos.359 of 2025, etc., batch

manner in which the family members have been included as accused, this Court in Crl.OP(MD)No.17148 of 2021, dated 21.02.2022, has quashed the proceedings in Crime No.39 of 2020 as against accused nos.6 to 10, 12 & 13.

5.6.With regard to the other case in Crime No.202 of 2022, wherein a witness in Crime No.39 of 2020, namely, Suresh, was murdered, he submitted that the deceased Suresh is a subsequent purchaser, who purchased the land from the defacto complainant's father-in-law and he was residing at Madurai. He was found dead near Melur. That was taken advantage by the encroachment parties to foist a false case as against the first accused to prevent him from pursuing the encroachment issue any further. They have also successfully detained the appellants, by projecting the subsequent case in Crime No.202 of 2022.

5.7.With regard to the orders passed by this Court in the earlier appeals filed by the appellants, he submitted that the defacto complainant has projected the case as if a witness in Crime No.39 of 2020 was murdered and that if the appellants are released on bail, there will not be any fair trial.



But the fact is otherwise. The encroachers are powerful, influential persons,

against whom, the first accused is agitating the issue from the year 2012.

Several cases have been foisted against him, however, the encroachments have not been removed till date, despite three orders of this Court and also an order from the Commissioner of Land Administration, Chennai.

5.8.In fact, in the present case, the first accused is the real victim. The complaint lodged by him was not attended to by the respondent Police and on the other hand, the complaint of the defacto complainant was registered. For having taken the issue for removing the encroachment, the first accused is being targeted by the encroachers by foisting repeated cases and this is one among the case. The appellants are in jail from 05.08.2023 and therefore, requested to consider the case for granting bail.

6.Learned Government Advocate (Crl. Side) appearing for the official respondents admitted that there was a dispute between one Suresh (defacto complainant's friend) and the appellants. On completion of survey, while the said Suresh was attempting to fix boundary stones, the accused persons



abused him by using his caste name and also attacked him. The defacto complainant was present in the place of occurrence and he was also assaulted by the accused. Therefore, on the complaint of the defacto complainant, FIR was registered as against five named and several unnamed accused. According to him, the appellants were already enlarged on bail on 09.09.2020, however, the same was cancelled by this Court, due to the subsequent case registered in Crime No.202 of 2022. According to him, these appellants have murdered one Suresh, a witness in Crime No.39 of 2020.

7.Learned Government Advocate has also admitted the quashment of charges in Spl.SC.No.25 of 2021 as against A6 to A10, 12 & 13, in connection with Crime No.39 of 2020, by this Court, in Crl.OP(MD) No.17148 of 2021. He also furnished the details of the antecedents as against these appellants and the same are extracted as under:-



Previous Cases as against A1:-

S.No.	Crime No	Offences	Status
1	202/202 2	120B, 147, 148, 212, 294(b), 302, 341, 355, 506(ii) of IPC	PT
2	186/202 1	294(b), 323, 355, 506(ii) of IPC, Section 4 of TNPHW Act	Referred
3	39/2020	147, 148, 294(b), 307, 323, 324, 341, 379, 447 of IPC, 3(2)(va) of SC/ST Act	PT
4	328/201 7	120b, 147, 294(b), 323, 506(ii) of IPC & Section 4 of TNPHW Act	PT
5	244/201 7	107 Cr.P.C	Referred
6	238/201 6	307, 323, 326, 34, 506(ii) IPC	PT
7	166/201 4	107 Cr.P.C	Referred
8	153/201 4	107 Cr.P.C	Referred
9	11/2014	147, 148, 294(b), 324, 506(i) IPC	UI
10	6/2013	294(b), 323, 326, 506(ii)IPC	UI
11	42/2012	147, 148, 294(b), 506(ii) IPC and Section 4 of TNPHW Act	Disposed



Previous Cases as against A2:-

S.No.	Crime Nos	Offences	Status
1	202/2022	120B, 147, 148, 212, 294(b), 302, 341, 355, 506(ii) of IPC	PT
2	39/2020	147, 148, 294(b), 307, 323, 324, 341, 379, 447 of IPC & 3(2)(va) of SC/ST Act	PT
3	328/2017	120B, 147, 294(b), 323, 506(ii) IPC and Section 4 of TNPHW Act	PT
4	244/2017	107 Cr.P.C	Referred
5	238/2016	307, 323, 326, 34, 506(ii) IPC	PT
6	88/2016	107 Cr.P.C	Referred
7	153/2014	107 Cr.P.C	Referred
8	11/2014	147, 148, 294(b), 324, 506(i) IPC	UI
9	122/2013	294(b), 323, 420, 468, 471, 506(i) IPC	Referred
10	34/2013	147, 148, 294(b), 323, 324, 325, 341, 506(ii) IPC	NTF
11	6/2013	294(b), 323, 326, 506(ii) IPC	NTF
12	42/2012	147, 148, 294(b), 506(ii) IPC and Section 4 of TNPHW Act	Disposed



Previous Cases as against A3:-

S.No.	Crime Nos	Offences	Status
1	39/2020	147, 148, 294(b), 307, 323, 324, 341, 379, 447 IPC and Section 3(2)(va) of SC/ST Act	PT
2	93/2013	147, 148, 294(b), 323, 324, 355, 427, 506(ii) IPC	Disposed
3	6/2013	294b, 323, 326, 506(ii) IPC	NTF

Previous Cases as against A4:-

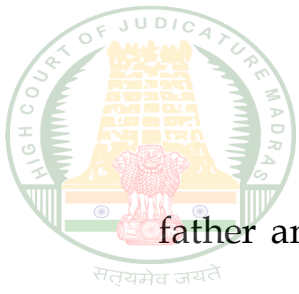
S.No.	Crime Nos	Offences	Status
1	39/2020	147, 148, 294(b), 307, 323, 324, 341, 379, 447 IPC and Section 3(2)(va) of SC/ST Act	PT
2	11/2014	147, 148, 294b, 324, 506(i) IPC	UI
3	34/2013	147, 148, 294b, 323, 324, 325, 341, 506(ii) IPC	NTF
4	6/2013	147, 148, 294b, 323, 324, 506(ii), IPC @ 294b, 323, 326, 506(ii) IPC	NTF
5	164/2012	147, 148, 294b, 323, 324, 341, 506(ii) IPC and Section 4 of TNPHW Act	Disposed
6	42/2012	147, 148, 294b, 506(ii) IPC & Section 4 of TNPHW Act	Disposed



Previous Cases as against A11:-

S.No.	Crime Nos	Offences	Status
1	202/2022	120b, 147, 148, 212, 294b, 302, 341, 355, 506(ii)IPC	PT
2	39/2020	147, 148, 294b, 307, 323, 324, 341, 379, 447 IPC & Section 3(2)(va) of SC /ST Act	PT

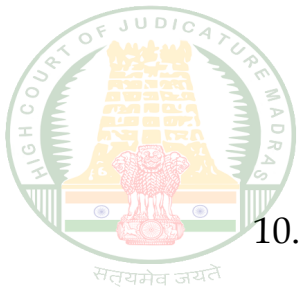
8.Mr.Henri Tiphange, learned Counsel appearing for the third respondent / defacto complainant, by referring to his counter affidavit and the typed set of papers filed by him, opposed the appeals that if the appellants are released on bail, it would affect the trial in SC.No.25 of 2021 and also the other case in Crime No.202 of 2022. According to him, on 24.02.2020, the deceased Suresh had arranged for surveying his land, with police protection. The deceased Suresh was with his father and two police officers were deployed for protection. The defacto complainant along with one Pasumpon went to the place to help the said Suresh for fencing his property. Aggrieved over that, the first accused along with his relatives armed with Aruval, Stick and other weapons attacked the said Suresh, his



Crl.A.(MD)Nos.359 of 2025, etc., batch

father and the defacto complainant and caused injuries to them. The first accused and his gang were absconding for more than 6 months and they got bail only in the end of 2020. Thereafter, they have murdered the injured witness Suresh on 18.12.2022 around 06.30 p.m, for which, another case in Crime No.202 of 2022, for the offence under Sections 147, 148, 212, 294b, 341, 355, 302, 506(ii) r/w 120B IPC, on the file of the Melavalavu Police Station was registered. In this case also, the final report was filed and the same is pending in PRC No.17 of 2023 before the learned Judicial Magistrate, Melur.

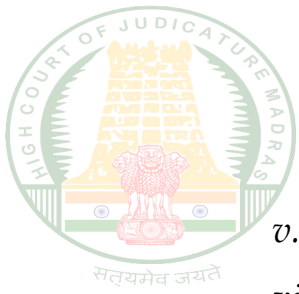
9. According to the learned Counsel, the appellants are notorious criminals, having several cases pending to their credit. A history sheet was also opened as against the first accused. They are in the habit of grabbing the properties. There has been no protection to the witnesses in this case and if the appellants are released on bail, the life of the witnesses cannot be assured. He also insisted for adequate protection for the witnesses in Crime No.39 of 2020, under the Witness Protection Scheme, 2018.



10.The trial in Spl.SC.No.25 of 2021 (Crime No.39 of 2020) is in crucial stage and in the event, if the appellants are released on bail, they may tamper the witnesses and unnecessary threat would be forced on the witnesses. By relying upon the decision of the Hon'ble Supreme Court in *Shahzad Hasan Khan v. Ishtiaq Hasan Khan and Another*, the learned Counsel submitted that this Court has to ensure the possibility of tampering the evidence by the accused persons, before considering their bail applications.

11.The learned Counsel has also relied on yet another decision of the Hon'ble Supreme Court in *Prasanta Kumar Sarkar v. Ashish Chatterjee*, reported in (2010) 14 SCC 496 and emphasized on the principles to be considered while dealing with the applications for bail and the same is extracted as under:-

- i. *Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence*
- ii. *nature and gravity of accusation*
- iii. *severity of the punishment in the event of conviction; punishable*
- iv. *danger of the accused absconding or fleeing, if released on bail;*



WEB COPY

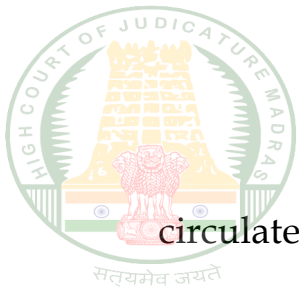
v. character, behaviour, means, position and standing of the accused

vi.likelihood of the offence being repeated, reasonable apprehension of the witnesses being influenced

vii.danger, of course, of justice being thwarted by granted of bail.

12.One Mr.Raja, learned Counsel, claiming to be the Special Public Prosecutor in Spl.S.C.No.25 of 2021 has also filed an application on behalf of one Jeyagowsalya, the wife of deceased Suresh in SR.No.12370 of 2025 and insisted this Court to hear him before taking any decision in these appeals. The said Jeyagowsalya is not a party to this proceedings, however, he claims that she is the wife of the deceased Suresh, another victim in Spl.SC.No.25 of 2021. Therefore, she must also be heard before taking any decision in the appeals.

13.Mr.Raja, learned Counsel claimed that he has been appointed as the Special Public Prosecutor in Spl.SC.No.25 of 2021. When this Court has directed him to produce a copy of the order appointing him as the Special Public Prosecutor, he has failed to produce the same and he has not



circulated the same, till the pronouncement of this Judgment. Though his application has not been numbered, he has also advanced his arguments and also circulated typed set of papers compiling the earlier orders of this Court in Crl.OP(MD) No.1194 of 2023. His arguments were also in line with the arguments advanced by the third respondent.

14.This Court considered the rival submissions made on either side and perused the materials placed on record.

15.These Criminal Appeals are filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, as against the dismissal of the regular bail applications filed before the learned III Additional District and Sessions Judge (PCR), Madurai.

16.The appellants are A1 to A4 and A11 in Crime No.39 of 2020, on the file of the Melavalavu Police Station, which was registered, on the complaint of the third respondent in these appeals.



WEB COPY

17.The case of the prosecution is that when one Suresh, the defacto complainant's friend, was attempting to fence the property, pursuant to the survey conducted on 24.02.2020, the appellants have abused and attacked the said Suresh as well as the defacto complainant, who accompanied him and caused injuries to them. The case was registered for the offence punishable under Sections 147, 148, 447, 341, 294(b), 323, 324, 307 and 379 IPC and Section 3(2)(va) of SC/ST (POA) Amendment Act, 2015. All these appellants are in jail from 05.08.2023. The investigation in Crime No.39 of 2020 was completed, final report filed, committed to the Court of Sessions and now it is pending before the III Additional District and Sessions Court (PCR), Madurai in Spl.SC.No.25 of 2021. It is reported that PW 1 to PW 14 were already examined and the case is posted for examination of the Investigating Officer.

18.The bail granted to the accused 1 to 4, by the trial Court in Crl.MP Nos.445 & 447 of 2020, dated 09.09.2020 was subsequently cancelled by this Court, in Crl.OP(MD) Nos.10559 & 10561 of 2020, dated 31.03.2023,



Crl.A.(MD)Nos.359 of 2025, etc., batch

considering the subsequent registration of a case in Crime No.202 of 2022, on the file of the Melavalavu Police Station on 18.12.2022. The injured witness one Suresh (in Crime No.39 of 2020) was found dead on 18.12.2022 and on the information from one Prakash S/o Machakalai, one Jeyagowsalya, the wife of the deceased Suresh has lodged a complaint as against these appellants and their relatives. The trial Court as well as this Court has rejected the bail applications of these appellants, considering the subsequent events, wherein, a witness in this case was done to death. It is also reported that the bail granted to the appellants/ A1, A2 & A11 in Crime No.202 of 2022 was also cancelled by this Court in Crl.OP(MD) No.16237 of 2023, dated 06.09.2024.

19.The major offence in this case is u/s.307 IPC. The occurrence was said to have been taken place on 24.02.2020 at about 05.30 pm. The defacto complainant and two others were taken to Government Hospital, Melur at about 07.00 pm. The defacto complainant and other injured witnesses have uniformly stated before the Doctor, at the Government Hospital, Melur, who recorded the Wound Certificate that they have been assaulted on



24.02.2020 at about 05.00 p.m by 20 persons. Thereafter, they were referred to Government Hospital, Madurai. The defacto complainant / Lakshmanan was admitted in Meenakshi Mission Hospital and Research Centre, Madurai on 24.02.2020 at about 08.13 p.m, wherein, he has stated that he was assaulted by four unknown persons with blunt, sharp objects. He took treatment in that hospital till 06.03.2020. The wound Certificate issued by the doctor at Meenakshi Mission Hospital reveals the following injuries:-

- 1.Lacerated wound occipital 3 cm x 1 cm x 8 cm
- 2.Abrasion 1 cm x 1 cm left temporal region
- 3.Defused swelling in right forearm
- 4.Swelling with defaming in the right forearm

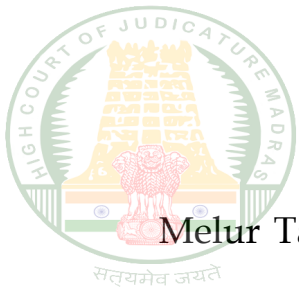
20.Injury number 4 was treated as grievous and the other injuries were treated as simple in nature. Even as per the defacto complainant, he was assaulted by four unknown persons. However, the complaint was lodged as if the appellants and their family members assaulted them, based on which, FIR was registered as against the appellants and their family members. The final report was filed as against 16 persons. Considering the



Crl.A.(MD)Nos.359 of 2025, etc., batch

WEB COPY manner, in which, the accused 6 to 10, 12 & 13 (family members and relatives of the appellants) were included as accused in this case, this Court has quashed the proceedings as against the accused nos.6 to 10, 12, 13, by order dated 21.02.2022 in Crl.OP(MD) No.17148 of 2021.

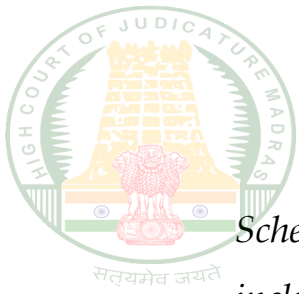
21.As seen from the records, this case is having a chequered history. The occurrence is arising out of a civil dispute. Admittedly, there was a dispute between the first accused / Gopalakrishnan with the defacto complainant's father-in-law, one Kusalavan, from the year 2012. The first accused / Gopalakrishnan, in the capacity of the President of Farmers Association and also the President of Village Forest Committee, organized by the District Forest Department has filed a writ petition in WP(MD)No. 8286 of 2012, in the form of Public Interest Litigation as against the Revenue officials as well as the defacto complainant's father-in-law (Kusalavan) and one Rajendran, who is the subsequent purchaser of the lands from Kusalavan, for a Mandamus, directing the official respondents to preserve the water bodies, such as, Murugakone Kanmoi in S.Nos.811/1 to 4, Puthukanmoi @ Sinnankulam in S.Nos. 815 & 819 of A.Vallalapatti Village,



Melur Taluk and its supply channels to these tanks in S.Nos.813 & 814 of A.Vallalapatti Village, Melur Taluk, Madurai District and S.Nos.9, 8, 7 & 21 of Kidaripatti Village, Melur Taluk, Madurai. The said writ petition was allowed by a Division Bench of this Court, by order, dated 06.08.2014, directing the District Collector, Madurai, to protect and preserve the water bodies in question. The relevant portion from the above order is extracted as under: -

“32. As seen from the affidavit as well as the writ petition, we are now concerned in this public interest litigation only with four survey numbers. The first is Survey No.811, on which there was admittedly a lake known as "Muruganeri" or "Murugakone Kanmoi". The second is the land in Survey No.805, on which there is another water body known as Puthukanmoi. The third and fourth are the lands in Survey Nos.815 and 819, on which there is a tank known as Nayakankulam Kanmoi.

33. Keeping the above survey numbers in mind, if we now get back to Schedules A to D of the order of the Settlement Tahsildar dated 02.02.1970, it can be seen that Survey No.805 measuring an extent of acres 21.81, is included in Schedule B, for which the patta was directed to be granted in favour of the three sons of Umar Salai Mohammed Sait. Survey No.811 is in Schedule C and the measurement is given as acres 8.54. It is indicated to be a tank. Survey No.815/2 is included in



WEB COPY

Schedule D that has been allotted to the Pallivasal. Survey No.819 is included in Schedule B to the order of the Settlement Tahsildar dated 02.02.1970 and it is of the extent of about 16 acres that stood in the name of V.M.Veeranan Ambalam.

34. Out of the above lands, the seventh respondent is admittedly concerned with the land of the extent of 8.54 acres in Survey No.811/1 to 4; the land of the extent of 21.81 acres in Survey No.805/1, 2 and 3, and the land of the extent of about 60 acres located in Survey No.810.

... ..

49. In the case on hand, the property in question was admittedly a tank even at the time when the Settlement Tahsildar granted ryotwari patta on 02.02.1970. On the date on which ryotwari patta was granted, Section 3(b) had not been amended to include even private tanks and ooranies. This is why patta was granted in favour of the predecessors in title of the seventh respondent, as though the land is a ryoti land. However, after the amendment to Section 3(b) and insertion of Section 10-A, even private tanks and ooranies were taken out of the purview of ryoti lands and ryotwari patta. In such circumstances, when the nature of the land in question is not in dispute, the seventh respondent cannot escape the consequences flowing out of the amendment under Act II of 1976.

50. Lastly it is contended by Mr.G.Masilamani, learned senior counsel for the seventh respondent that the amendment introduced under Act II of 1976 cannot take away vested rights created by the

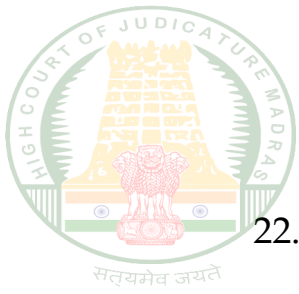


WEB COPY

proceedings of the Tahsildar, much before the amendment. According to the learned senior counsel, the amendment can at the most be applied prospectively.

51. But, we do not think so. A careful look at the Tamil Nadu Act II of 1976 would show that it amended three enactments, namely (i) Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963, (ii) Tamil Nadu Leaseholds (Abolition and Conversion into Ryotwari) Act, 1963, and (iii) Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. In all the three enactments, new provisions were inserted so as to include private tanks and ooranies within the purview of the lands which vested with the Government and also to cancel the ryotwari pattas already granted in respect of private tanks. The provisions of the Amendment Act are not under challenge before us. Therefore, the cancellation of patta under the Amendment Act is a natural consequence from which the seventh respondent or his predecessors in title cannot escape.

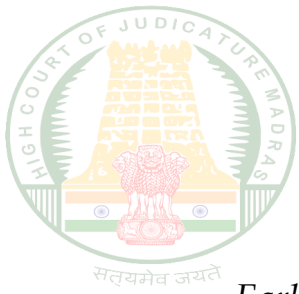
52. In view of the above, the writ petition is allowed and the respondents 1 to 4 are directed to protect and preserve the tanks in question, after issuing notices and giving an opportunity of hearing to the persons who are in possession thereof, within a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, M.P.Nos.1 and 2 of 2013 are closed."



22. Though the above public interest litigation was disposed of as early as on 06.08.2014, by issuing a direction to the Revenue officials to preserve those water bodies, no action was taken by the Revenue officials. In this circumstances, the first accused / Gopalakrishnan had filed another writ petition before this Court in WP(MD) No. 22360 of 2018, as a party-in-person for the same relief, as against the father-in-law of the defacto complainant and the subsequent purchaser / Rajendran. In that writ petition, Myself (Justice B.Pugalendhi), along with Hon'ble Mr. Justice P.N.Prakash (as he then was), passed an interim order on 29.03.2019 as under:-

“Heard Mr.M.Gopalakrishnan, party-in-person, Mr.M.Murugan, learned Government Advocate (Civil Side) for the respondents 5 & 6, Mr.T.Sakthikumaran, learned counsel representing Mr.A.Thirumurthy, learned counsel for the seventh respondent and Mr.C.M.Arumugam, learned counsel for the eighth respondent.

2. It is the case of Gopalakrishnan that the respondents 7 and 8 have encroached into Puthukulam Kanmoi, Murugakone Kanmoi and Nayackankulam Kanmoi, situated at A.Vallalapatti Village, Melur Taluk, Madurai District and therefore, the present public interest litigation has been filed to remove the encroachments.



WEB COPY

3. Admittedly, this is a second round of litigation on this matter. Earlier, Gopalakrishnan filed W.P.(MD) No.8286 of 2012 for similar reliefs, which was heard by a Division Bench of this Court (V.RAMASUBRAMANIAN and V.M.VELUMANI, J.J.) and final orders were passed on 06.08.2014. It may be appropriate to extract Paragraph Nos.32, 33 and 34 of the said order hereunder:

“32. As seen from the affidavit as well as the writ petition, we are now concerned in this public interest litigation only with four survey numbers. The first is Survey No.811, on which there was admittedly a lake known as “Muruganeri” or “Murugakone Kanmoi”. The second is the land in Survey No.805, on which there is another water body known as Puthukanmoi. The third and fourth are the lands in Survey Nos.815 and 819, on which there is a tank known as Nayakenkulam Kanmoi.

33. Keeping the above survey numbers in mind, if we now get back to Schedules A to D of the order of the Settlement Tahsildar dated 02.02.1970, it can be seen that Survey No.805 measuring an extent of acres 21.81, is included in Schedule B, for which the patta was directed to be granted in favour of the three sons of Umar Salai Mohammed Sait. Survey No.811 is in Schedule C and the measurement is given as acres 8.54. It is incicated to be a tank. Survey No.815/2 is included in Schedule D that has been allotted to the Pallivasal. Survey No.819 is included in Schedule B to the order of the Settlement Tahsildar dated 02.02.1970 and it is



of the extent of about 16 acres that stood in the name of V.M.Veeranan Ambalam.

34. Out of the above lands, the seventh respondent is admittedly concerned with the land of the extent of 8.54 acres in Survey No.811/1 to 4; the land of the extent of 21.81 acres in Survey No.805/1, 2 and 3, and the land of the extent of about 60 acres located in Survey No.810."

4. Finally, the Division Bench issued the following directions in Paragraph No.52:

"52. In view of the above, the writ petition is allowed and the respondents 1 to 4 are directed to protect and preserve the tanks in question, after issuing notices and giving an opportunity of hearing to the persons who are in possession thereof, within a period of 12 weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, M.P.Nos.1 and 2 of 2013 are closed."

5. Pursuant to the said order, the Commissioner of Land Administration passed an order dated 19.05.2015 directing the Settlement Officer, Chennai, to invoke Section 10(A) of the Tamil Nadu Minor Inams (A & C.R.) Act (Act 30 of 1963) and cancel the patta as proposed by the District Collector, Madurai (first respondent), in his letter dated 17.10.2014. Thus, from a reading of the order dated 19.05.2015, it is evident that after the orders passed by the Division Bench of this Court, the District Collector, Madurai (first respondent),

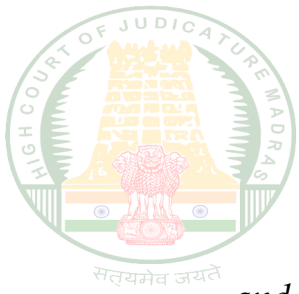


WEB COPY

has identified the encroachments in the above mentioned three Kanmois and submitted a report to the Commissioner of Land Administration, pursuant to which, the order dated 19.05.2015 has been passed directing the Settlement Officer, Chennai, to cancel the patta. Accordingly, the Settlement Officer, by order dated 28.07.2016, has cancelled the patta that was issued to K.Thilagavathy, K.Thirunavukarasu, T.Banumathi and A.Mohamed Kamaruthen, in respect of the following lands that were identified as encroachments in the above mentioned three Kanmois:

Survey No	Sub Division	Extent (Hectares)	Classification
805	2	2.21.0	Punjai
811	1	0.86.5	Punjai
811	2	0.86.5	Punjai
811	3	0.86.0	Punjai

6. After the cancellation of patta, steps were taken by the Revenue Authorities to remove the encroachments. While that being so, the seventh respondent presented certain documents for registration before the Sub Registrar, Melur, in respect of the patta lands belonging to him, which did not fall within the survey numbers relating to the encroachments in the above mentioned three Kanmois. Since the Sub Registrar had refused to register the documents, the seventh respondent filed W.P.(MD) No.21291 of 2016 for a mandamus to the Sub Registrar, Melur, to register the documents presented by him.



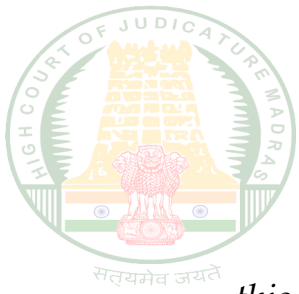
WEB COPY

7. The learned Single Judge (V.PARTHIBAN, J.) heard either side and by a detailed order dated 29.10.2018 has observed that the encroachments in the above mentioned three Kanmois have been identified pursuant to the directions issued by the Division Bench in W.P.(MD) No.8286 of 2012 and there is no justification in the Sub Registrar not registering the documents that were presented by the petitioner therein (seventh respondent herein), since the survey numbers mentioned in the documents were outside the purview of the encroachments in the above mentioned three Kanmois.

8. Under normal circumstances, if a person is aggrieved by the order of the Single Judge, a writ appeal should have been preferred before the Division Bench, after obtaining special leave, where the appellant was not a party before the Single Judge. Instead of resorting to that, the petitioner has filed the present public interest litigation contending that the respondents 7 and 8 have encroached into the above mentioned three Kanmois.

9. The District Collector, Madurai (first respondent) has filed a detailed counter affidavit dated 10.01.2019 narrating the entire sequence of events that had taken place after passing of the orders by the Division Bench and in Paragraph No.10, he has stated as follows:

“10. It is submitted that as per the Survey report, the lands owned by the 7th respondent, in S.Nos.8/2, 8/3, 21/3A, 21/4 and 21/5B in Kidaripatti village, in Melur Taluk of Madurai District are not included in the Kanmois.”

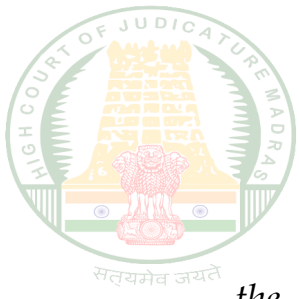


WEB COPY

10. In view of the above, the order of status quo that was passed by this Court in this public interest litigation stands vacated.

11. However, in Paragraph No.8(g) of the counter affidavit, the District Collector, Madurai (first respondent) has referred to the steps that have been taken by the Revenue Authorities to clear certain encroachments in Naykkankulam Kanmoi, but, the details of the steps have not been set out. Similarly, in Paragraph No.8(i), it is stated that steps are being taken to remove the blocks in the channel for uninterrupted flow of water, but, it is not known as to whether the blocks have been removed as of now and in Page No.13 of the counter affidavit, the District Collector has referred to the steps that have been taken for removal of the encroachments made by one Sathish Gurudev, but, no further details have been given therein. Therefore, we direct the District Collector, Madurai (first respondent) to remove the encroachments referred to by him in Paragraph No.8(g), clear the blocks in the channel referred to in Paragraph No.8(i) and remove the encroachments made by Sathish Gurudev referred to in Page No.13 of the counter affidavit and file a report before this Court on the next hearing date.

12. In view of we vacating the order of status quo, there should not be any impediment for the Registration Authorities to follow the orders passed by learned Single Judge in W.P.(MD) No.21291 of 2016 and register the documents in respect of survey numbers that do not fall within the water bodies.

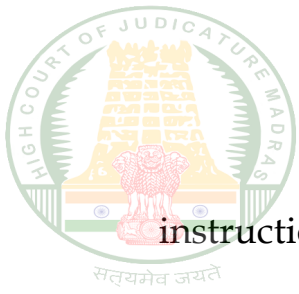


WEB COPY

13. *We are conscious of the fact that on account of the elections to the Parliament, the District Collector, Madurai (first respondent) cannot be mulcted with such responsibilities at this juncture. Therefore, we adjourn the case by eight weeks.*

14. *Post after eight (8) weeks."*

23. It appears that pursuant to the earlier orders of this Court, as referred above, the Commissioner of land Administration has passed an order by issuing directions in Letter K1/1327457/2021, dated 03.09.2021 to restore and protect the water bodies and its supply channels mentioned in the above writ petitions. This order of the Commissioner of land Administration was not implemented by the authorities concerned. Therefore, the first accused / Gopalakrishnan has once again knocked the doors of this Court by way of another litigation in WP(MD) No.23682 of 2024, seeking a mandamus to direct the Commissioner of Survey and Settlement, the District Collector and the District Revenue Officer, Madurai, to implement the order of the Commissioner of Land Administration in Letter K1/1327457/2021, dated 03.09.2021. In that writ petition, the learned Additional Government Pleader has made submissions based on the



Crl.A.(MD)Nos.359 of 2025, etc., batch

instructions that the Murugakone Kanmoi in S.Nos.811/1 to 4, Puthukanmoi @ Sinnankulam in S.Nos. 815 & 819 of A.Vallalapatti Village, Melur Taluk and its supply channels to these tanks in S.Nos.813 & 814 of A.Vallalapatti Village, Melur Taluk, Madurai District and S.Nos.9,8,7 & 21 of Kidaripatti Village, Melur Taluk, Madurai are classified as "water bodies" and the alleged encroachments in the above mentioned survey numbers would be removed within four weeks from the date of receipt of a copy of that order. Based on the above submissions made on behalf of the Government, the third writ petition filed by the first accused / Gopalakrishnan in WP(MD) No.23682 of 2024 was disposed of, by the Division Bench of this Court, by an order, dated 08.11.2024.

24.But the fact remains that even after the order of this Court, dated 08.11.2024, the encroachments have not been removed by the authorities and therefore, the first accused / Gopalakrishnan has filed a Contempt Petition in Cont.P(MD)No.412 of 2025 that the orders of this Court has not been complied with and the same is pending. In this background, according to the appellants, the case in Crime No.39 of 2020 has been



Crl.A.(MD)Nos.359 of 2025, etc., batch

registered as if the appellants abused and assaulted the defacto complainant and one Suresh, when they attempted to put up fencing, pursuant to the survey conducted on 24.02.2020.

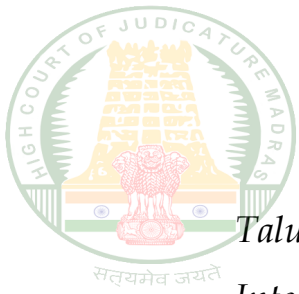
25. Admittedly, the deceased Suresh is one of the witnesses in Crime No.39 of 2020. He was residing in some other place and he came to the occurrence Village only on the fateful day. It is not known as to how the accused have conspired and also committed the offence as projected by the prosecution. However, these aspects have to be appreciated during the trial in the other case in Crime No.202 of 2022. The contention of the learned Senior Counsel for the appellants that the case in Crime No.39 of 2020 and Crime No.202 of 2022 were foisted against the first accused / Gopalakrishnan and his relatives in order to prevent the first accused and the other accused from agitating the issue of encroachment of water body cannot be brushed aside.

26. This Court has also perused the orders passed in Crl.OP(MD)No. 17148 of 2021 in Crime No.39 of 2020. Apart from this appellant, the case



was registered as against the relatives and the family members of this appellants. The other accused in Crime No.39 of 2020, namely, accused nos. 6 to 10, 12, 13, have approached this Court to quash the proceedings registered as against them in Crime No.39 of 2020. This Court has elaborately discussed that application and quashed the proceedings in Crime No.39 of 2020 insofar as the accused nos.6 to 10, 12, 13 are concerned, as under:-

“5.The first accused Gopalakrishnan and Kusalavan, the father in law of the defacto complainant hail from the same village. Gopalakrishnan alleged that Kusalavan had encroached the water bodies. He filed WP(MD)No.8286 of 2012 seeking their retrieval. The Hon'ble Division Bench of the Madurai Bench of the Madras High Court vide order dated 06.08.2014 allowed the said writ petition after holding that patta had been granted in favour of Kusalavan in respect of some water bodies and that they are void. The District Collector and other revenue authorities were directed to protect and preserve the tanks in question after issuing notices and giving an opportunity of hearing to the persons who are in possession thereof. Kusalavan filed WP(MD)No.21219 of 2016 alleging that sale deeds presented by him in respect of properties not falling within the water bodies are not being registered. The said writ petition was allowed on 29.10.2018 and the Sub Registrar, Melur

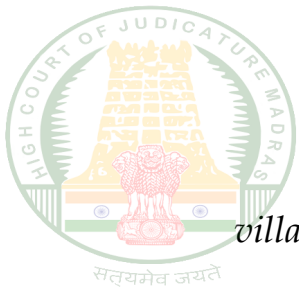


WEB COPY

Taluk was directed to register the petition mentioned sale deeds. Interestingly, Gopalakrishnan was not made a party to the writ petition. Instead of filing a third party writ appeal, Gopalakrishnan filed another Public Interest Litigation in WP(MD) No.22360 of 2018. Interim order was granted originally but later vacated on 29.03.2019. However, the revenue authorities were directed to clear the encroachments in Nayakkankulam Kanmoi and the channel flowing in the village. The battle between the two appears to be going on.

6.Apart from this issue, the parties are at loggerheads over the conferment of honours in a village festival. Writ petitions and criminal original petitions have been filed almost every year since 2015. Some of the order copies have also been enclosed in the typed set of papers.

7.It is in this background, the occurrence in question had taken place. Pandiammal, the first petitioner herein is the mother of Gopalakrishnan. She is aged about 75 years. The third petitioner Azhagammal is the wife of the second accused Karmegam. The seventh petitioner Jeyalakshmi is the wife of the fourth accused Malaichamy. The petitioners 2, 4 and 5 are also womenfolk and are close relatives of the first accused. Kusalavan belongs to Pillaimar community. The petitioners would assert that they never knew that the defacto complainant Lakshmanan, son-in-law of Kusalavan belongs to Scheduled Caste. According to them, the son-in-law has been projected to be in the forefront so as to invoke the provisions of the SC&ST Act and to prevent Gopalakrishnan from retrieving the water bodies of the



village for public welfare.

WEB COPY

8.The occurrence had taken place on 24.02.2020. Two persons have suffered grievous injuries. There was also a counter complaint from Gopalakrishnan. That the occurrence took place admits of no doubt. The only question is whether the present petitioners were parties to the occurrence. The seventh petitioner Jeyalakshmi is not referred to in any of the statements recorded under Section 161 of Cr.PC. The sixth petitioner Thirumalai is referred to only in the statements of Machakalai and Uthiran (LW.8 and LW.9). But the injured witnesses, namely, Lakshmanan, Suresh and Dharmaraj do not implicate him. Since there is a bitter rivalry between Gopalakrishnan and Kusalavan since 2012, if the petitioners herein were also parties to the occurrence, certainly, they would have been named in the FIR itself. The presence of the womenfolk, three of whom are the wives of the respective accused could not have been omitted to be noticed. The occurrence had taken place at 17.30 hrs on 24.02.2020. The FIR was registered only at 21.45 hrs. The injured were taken to the Government Hospital and thereafter shifted to Meenakshi Mission Hospital, a famous medical institution. The occurrence had taken place on the day of survey. Certainly, Kusalavan and other relatives would have been present, when the police recorded the statement of the defacto complainant. The expression ' and others ' has been employed after naming five specific individuals only for the purpose of implicating all the family members. If the womenfolk had also participated in the crime, their presence would be too glaring to be



WEB COPY

ignored or omitted. If a crime had taken place suddenly and information is lodged in the aftermath, certainly omission of names and particulars would in no way affect the prosecution case. But that is not the case here. Atleast three writ petitions and four criminal original petitions involving Gopalakrishnan / Kusalavan were filed before the Madurai Bench of the Madras High Court alone.

9. The Hon'ble Supreme Court in *State of Haryana V. Bhajanlal* (1992) Suppl.(1) SCC 335 held that a criminal prosecution can be quashed, inter-alia, in the following circumstances:-

“(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused ...

... (7) Where a criminal proceeding is manifestly attended with mala fide and / or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge ... ”

The above parameters are clearly applicable to the case on hand. The role attributed to Pandiammal, 75 year old mother of Gopalakrishnan is inherently improbable. The parties are well known to each other. There is no way the names of the petitioners could have been omitted, if they had also attacked the victims along with the named accused. I am more than satisfied that the petitioners have been implicated out of sheer mala fides



Crl.A.(MD)Nos.359 of 2025, etc., batch

and to wreck vengeance on Gopalakrishnan. The continuance of the prosecution is not warranted. The impugned proceedings are quashed as far as the petitioners are concerned. The named accused 1 to 5 will not take advantage of this order. They have to contest the trial entirely on merits."

27.Perusal of the above judgments and the materials placed before this Court reveal that the first accused was agitating the issue of encroachments in three water bodies in Vellalapatti Village from the year 2012. It appears that several acres of land were encroached by the defacto complainant's father-in-law, one Kusalavan. He has also created subsequent documents. One Rajendran and Suresh appears to be the purchasers of the land from the said Kusalavan. This Court has also passed elaborate order as to the manner in which the encroachments have been made, directed the District Administration to remove the encroachments as early as in the year 2014. An outer time limit was also fixed as eight weeks. The fact remains that the encroachments have not been removed so far. In the meantime, the first accused has also filed two other writ petitions and similar orders have also been passed directing the District Administration



to remove the encroachments. This is the defence of the appellants / accused that for having took the cause of removing the encroachments in the water body, they are being targeted.

28.The truth or otherwise of this defence has to be established only during the trial. They should be provided with an opportunity to prove their defence. However, the trial is proceeding by keeping the accused in jail. Keeping the accused inside and allowing the trial to proceed would certainly amount to curtailing their right of defence, in a case of this nature. The documents now placed by the accused before this Court may be relevant for the trial and they have to be considered by the trial Court while finding out the veracity of the complaint.

29.The High Court of Allahabad, in *Emperor vs. Hutchinson* [AIR 1931 ALL 356], has held as follows:-

“12. The principle to be deduced from Sections 496 and 497, Criminal P.C., therefore is that grant of bail is the rule and refusal is the exception. That this must be so is not at all difficult to see. An accused person is presumed under the law to be innocent till his



guilt is proved. *As a presumably innocent person, he is entitled to freedom and every opportunity to look after his own case. It goes without saying that an accused person, if he enjoys freedom, will be in a much better position to look after his case and to properly defend himself than if he were in custody. One of the complaints made by the applicants, in this case is that their letters sent from custody have been opened and inspected and censored and therefore they were not in a position to conduct their defence with the aid of such friends as may be outside the prison. As I have said, it is obvious that a presumably innocent person should have his freedom to enable him to establish his innocence."*

This was approved by a Five Judge Constitution Bench of the Hon'ble Supreme Court, in *Gurbaksh Singh Sibbia and Others vs State of Punjab* [1980 AIR 1632].

30. In *Re Gudikanti Narasimhulu and Others v. Public Prosecutor* [1978 AIR 429 SC], Justice Krishna Iyer, has held as under:-

"18. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in



WEB COPY

custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub jails, that the unrewarding cruelty and expensive custody of avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible."

31. There is a motive between both parties. Motive is a double edged weapon, that needs to be analyzed only during the trial in a careful manner. Mere because another incident was taken place where a injured witness has been murdered, this Court is not inclined to reject the bail filed by the appellants and curtail their opportunity to defend their case effectively during the trial. In the event if the witnesses feel that they need some protection under the Witness Protection Scheme, the Superintendent of Police shall provide necessary protection to the witnesses to ensure that



they are not disturbed. But, at the same time, it should not be allowed to be misused.

32. Accordingly, these criminal appeals are allowed and the appellants are ordered to be released on bail on the following conditions:-

- i) The appellants shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, PCR Court, Madurai;
- ii) The appellants 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 appellants shall stay at Sivagangai and report before the Station House Officer, Sivagangai Town Police Station, daily at 10.30 am, until further order, except the days, on which their appearance is required before the trial Court.
- iv) The appellants shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the



prosecution witnesses. They shall be available for the trial as well.

WEB COPY

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

33. Though elaborate discussion is not required in these appeals where a limited question of granting / rejecting bail is involved, considering the objections raised by the State, the defacto complainants and the earlier order of cancellation of bail, this Court has dealt with the issue in detail. However, it is made clear that the observations made by this Court in these appeals are only for the purpose of deciding the appeals for grant of bail only. Therefore, the trial Court is expected to decide the trial, independently, uninfluenced by any of the findings rendered by this Court in these appeals.

34. Considering the nature of allegations, this Court is also of the view that the case in Crime No.39 of 2020 [Spl.SC.No.25 of 2021] and Crime No. 202 of 2022 [PRC.No.17 of 2023] has to be tried together. Therefore, the



Crl.A.(MD)Nos.359 of 2025, etc., batch

learned Principal District Judge, Madurai, is directed to take a call and order for joint trial of both the cases, after completing the required committal formalities.

Internet : Yes
VRN/gk

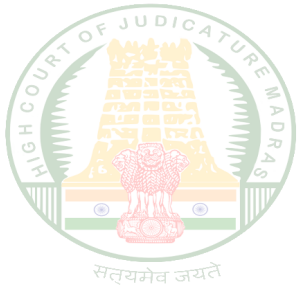
09.04.2025

Note:

Issue order copy by today (09.04.2025)

To

- 1.The Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.
- 2.The Inspector of Police,
Melavalavu Police Station,
Madurai.
- 3.The III Additional District and Sessions Judge,
Madurai.
- 4.The Station House Officer,
Sivagangai Town Police Station,
Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.A.(MD)Nos.359 of 2025, etc., batch

B.PUGALENDHI, J.

gk

CrI.A(MD)Nos.359, 346, 360 & 326 of 2025

09.04.2025