

Crl.A.(MD)Nos.888 & 915 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 28.08.2025

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THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl. A.(MD)Nos.888 & 915 of 2025

1.Arulraj @ Arul ... Appellant in Crl.A.(MD)No.888 of 2025/A6
1.Hari Hara Sudhan
2.Leeban Prabhu ... Appellants in Crl.A.(MD)No.915 of 2025/A7 & A5

Vs.

1.The State of Tamil Nadu Rep. by
The Deputy Superintendent of Police,
North Police Station, Thoothukudi District.
Crime No.294/2025

2.Senthur Pandi ... Respondents in both appeals

Prayer in Crl.A.(MD)No.888 of 2025: This Criminal Appeal is filed under Section 14A(2) of SC/ST (PoA) Amendment Act 2015 to call for the records and set aside the order of the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi in Cr.M.P.No.157/2025, dated 31.07.2025 and allow this appeal.

Prayer in Crl.A.(MD)No.915 of 2025: These Criminal Appeals are filed under Section 14A(2) of SC/ST (PoA) Amendment Act 2015 to call for the records and set aside the order of the learned Sessions Judge, Special Court for



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trial of cases under SC/ST (POA) Act, Thoothukudi in Cr.M.P.No.157/2025, dated 31.07.2025 and allow this appeal by enlarging the appellant on bail in connection with Crime No.294 of 2025 on the file of the first respondent.

In both appeals,

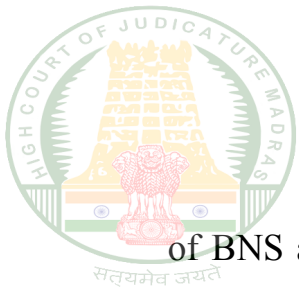
For Appellants : Mr.S.Selva Kumar
For R1 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
For R2 : Defacto complainant (party-in-person)

COMMON JUDGEMENT

These Criminal Appeal are filed challenging the order passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi in Cr.M.P.No.157/2025, dated 31.07.2025.

2. Since these appeals arise out of same impugned order, they are clubbed together and Common Judgement is passed.

3. The appellant in Crl.A.(MD)No.888 of 2025 is A6 and the appellants in Crl.A.(MD)No.915 of 2025 are A7 and A5 respectively. The Sub-Inspector of Police, North Police Station, Thoothukudi District registered a case against these appellants and A1 to A4 in Crime No.294 of 2025 for the offences under Section 103(1) of BNS altered to Sections 103(1), 3(5), 61(2)



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of BNS and Section 3(2)(v) of SC/ST (POA) Act. The appellants have been arrested and remanded to judicial custody on 25.04.2025.

4. Mr.S.Selva Kumar, learned counsel appearing for the appellants submitted that there is no specific overt act against these appellants; the appellants have been in incarceration for nearly 120 days; the investigation in this case has already been over; if the appellants are released on bail, they will abide any conditions imposed by this Court and they will co-operate for the trial.

5. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for the first respondent submitted that there is overt act against each of the appellant; the severity of the punishment, gravity of the offence and the possibility of absconding and likelihood of tampering the witnesses by the appellants cannot be ignored; there is strong evidence to show the participation of these appellants in the crime and there is reasonable apprehension in the minds of the witnesses also.

6. The defacto complainant who is present on notice has submitted that the appellants killed his only son and one brother of A1 had threatened



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him saying that his brother would come out of the Jail and murder him and they have also threatened the witnesses that they should not depose evidence against them and if they dared, they would be cut into pieces.

7. The respondent Police has registered another case in Crime No. 583 of 2025 on the allegation that the brother of the first accused had abused the daughter of the defacto complainant, acted in an indecent manner and sent threats to murder her. It is learnt that A1 to A4 have been detained under the Goondas Act on 23.05.2025.

8. Even though the present FIR has not specifically stated the name of the appellants, it is stated that A1 to A4 along with others have murdered the deceased, who is the son of the defacto complainant. On the completion of the investigation, it is found that the appellants were also involved in the occurrence and on that basis, charge sheet has been filed against them in S.C.No.36 of 2025 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi. In such case, if the appellants are released on bail, it would no doubt embolden the other relatives of the other accused, who caused threat to the defacto complainant and his daughter.



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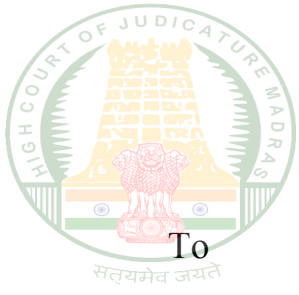
9. As stated already, another FIR has also been registered on the complaint given by the defacto complainant's daughter. The case has been posted for trial on 08.09.2025. There is every likelihood that the appellants would try to threaten the witnesses and destabilize the on going trial process, if they are released on bail.

10. Considering the above facts and the gravity of the offence, severity of punishment in case the accused are convicted, likelihood of the appellants tampering other witnesses and all other surrounding circumstances including the alleged threat already caused to the life of the defacto complainant and his daughter, I feel the learned trial Judge is right in dismissing the bail applications.

11. As I do not find any reason to reverse the well-reasoned order of the trial Judge and there is no change of circumstances, these Criminal Appeals are dismissed.

28.08.2025

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To

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1.The Sessions Judge,
Special Court for trial of SC/ST Act (POA) cases,
Thoothukudi.

2.The Deputy Superintendent of Police,
North Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Dr.R.N.MANJULA, J.

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