



Crl.A.(MD)No.907 of 2025

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Reserved on : 07.10.2025

Pronounced on : 17.10.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.907 of 2025

Raj Kumar @ Kokki Kumar
(amended as per order of this Court dated 25.09.2025
in CrlMP(MD)No.13285 of 2024 in CrlA(MD)No.
907 of 2025)

... Appellant/
2nd Accused

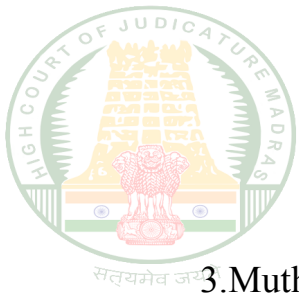
Vs.

1.The State of Tamilnadu, represented by its
The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

...1st Respondent/
Investigation
officer

2.The State of Tamilnadu, represented by its
The Inspector of Police,
B1 - Town Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.80 of 2019)

...2nd Respondent/
Complainant



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...3rd Respondent/
Defacto
Complainant

Prayer : This Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act 1989 as amended by 1/2016, to call for the entire records in relating to the impugned order dated 30.07.2025 made in Cr.M.P.No.746 of 2025 on the file of the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989 Ramanathapuram and to set aside the same and consequently to release the appellant on bail in connection with the FIR in Crime No.80 of 2019 on the file of the second respondent police, which is pending in Spl.S.C.No.90 of 2019 on the file of the above said learned trial Court.

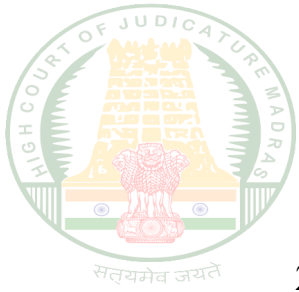
For Appellant : Mr.M.S.Jeyakarthik

For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Crl. Side) for R1 & R2

No appearance for R3

JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.746 of 2025 in Spl.S.C.No.90 of 2019 dated 30.07.2025 on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, in dismissing the petition for bail filed under Section 483 B.N.S.S.



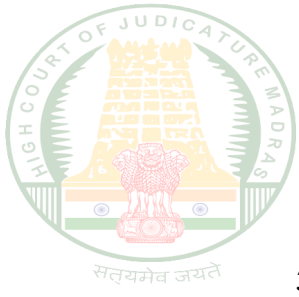
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2. The case of the prosecution is that on 22.05.2019 at about 10.00 a.m., the accused came near to the house of the third respondent / defacto complainant and took her husband in a bike and while she was in her job, it was informed that her husband was murdered by the accused and hence, she lodged a complaint.

3. On the basis of the complaint lodged by the third respondent, FIR came to be registered in Crime No.80 of 2019 for the offences under Section 302 IPC and Section 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against three persons including the appellant herein. After completing the investigation, the first respondent laid a final report and the same was taken on file in Spl.S.C.No.90 of 2019 and the same is pending on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

4. It is not in dispute that out of 23 witnesses, 10 witnesses have been examined and now stands posted to 03.11.2025 for examination of other prosecution witnesses.

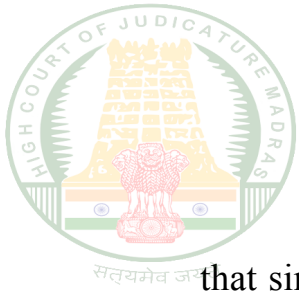


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5. Pending part-heard, the appellant, who is the second accused, failed to appear for the hearing scheduled on 03.07.2025 and hence, Non-Bailable Warrant (NBW) came to be issued against him. It is not in dispute that the appellant was arrested in connection with another case in Crime No.97 of 2025 on the file of B1 Town Police Station, Ramanathapuram on 06.06.2025 and the appellant was produced on Prisoner in Transit (PT) warrant for the present case and since Non-Bailable Warrant (NBW) was pending against him, he was remanded to judicial custody by the Special Court. The appellant moved an application for bail in Cr.M.P.No.714 of 2025 and the learned Sessions Judge passed an order dated 22.07.2025 dismissing the said bail application. The appellant again filed a bail application in Cr.M.P.No.746 of 2025 under Section 483 B.N.S.S. and the learned Sessions Judge, upon considering the records and on hearing the submissions made on behalf of the appellant as well as by the Special Public Prosecutor, passed the impugned order dated 30.07.2025 dismissing the said bail application. Aggrieved by the order of dismissal, the present appeal came to be filed.

6. The learned counsel appearing for the appellant would submit



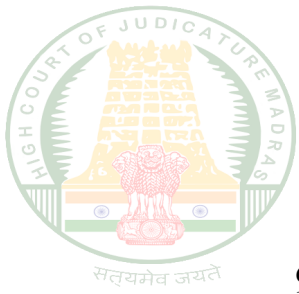
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that since the appellant was in judicial custody in connection with case in Crime No.97 of 2025 on the file of B1 Town Police Station, Ramanathapuram, he was not able to attend the hearing for the present case on 03.07.2025, that the respondent police has failed to inform the Court about the judicial custody of the appellant on that date and that the appellant was granted bail for the case in Crime No.97 of 2025 by this Court in Crl.O.P.(MD)No.11403 of 2025 dated 15.07.2025 but in the meanwhile, the respondent police produced the appellant before the Sessions Court on Prisoner in Transit (PT) warrant and the learned Sessions Judge, without considering the above aspects, proceeded to remand him to judicial custody and also proceeded to dismiss the bail applications twice.

7. The learned counsel appearing for the appellant would further submit that the appellant is innocent and is a law abiding citizen and he will not tamper or hamper the witnesses and that therefore, the appellant may be enlarged on bail.

8. The first respondent filed a counter affidavit raising objections.



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9. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the appellant previously failed to appear for the hearing on 28.11.2022 and hence, Non-Bailable Warrant (NBW) was ordered to be issued, that the appellant has then surrendered and filed a petition to recall the warrant and the same was allowed on 20.02.2023, that since the appellant has again failed to appear, Non-Bailable Warrant (NBW) was again issued on 05.06.2023 and subsequently, he was granted bail on 16.04.2025 and that the appellant again failed to appear for the hearing on 03.07.2025 and the learned Sessions Judge with no other option has issued Non-Bailable Warrant (NBW).

10. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would further submit that the appellant has been regularly evading trial proceedings and he is not co-operating to conclude the trial, that the appellant is having 19 previous cases in his credit and he is a history sheeted rowdy in H.S.No.156 of 2014, that since the case is pending from 2019 for the past six years mainly due to the non-cooperation of the appellant, the learned trial Judge has rightly dismissed



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the bail application and that therefore, the present appeal is also liable to be dismissed.

11. No doubt, the first respondent, in the counter affidavit, has listed out the previous cases pending against the appellant.

12. It is also not in dispute that previously on two occasions Non-Bailable Warrant (NBW) were issued and one time it was recalled and for the second time, he was released on bail.

13. No doubt, as rightly pointed out by the learned Government Advocate (Criminal Side), the above sessions case is pending for the past six years from 2019 onwards. As already pointed out, only 10 witnesses out of 23 witnesses have been examined. But as rightly pointed out by the learned counsel appearing for the appellant, the fact remains that when Non-Bailable Warrant (NBW) was issued on 03.07.2025, the appellant was in judicial custody in connection with case in Crime No.97 of 2025 as he was arrested on 06.06.2025 and that he was released on bail by the High Court on 15.07.2025. It is pertinent to note that the very same second



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respondent has registered the new case in Crime No.97 of 2025 and arrested the accused and placed him in judicial custody. As rightly pointed out by the learned counsel appearing for the appellant, when the sessions case was taken up for hearing on 03.07.2025, it is not the case of the prosecution that they have intimated the arrest of the appellant in connection with another case and his judicial custody, but on the other hand, since the appellant has not turned up, the learned Sessions Judge has proceeded to issue Non-Bailable Warrant (NBW). As rightly contended by the learned counsel appearing for the appellant, for the appellant's absence on 03.07.2025, he cannot be found fault with, as he was in judicial custody at that time.

14. Considering the above facts and circumstances and taking note of the fact that the appellant is in judicial custody from 10.07.2025 so far as the present case is concerned, this Court is inclined to grant bail to the appellant and thereby setting aside the order dated 30.07.2025 passed by the Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram in Cr.M.P.No.746 of 2025.



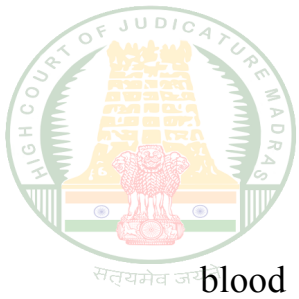
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15. Moreover, the case status of the sessions case, as produced by the appellant, reveals that the case was lastly taken up on 03.10.2025. On that day, the learned trial Judge adjourned the matter to 03.11.2025 for examination of L.W.11 to L.W.14, noting the presence of the appellant / second accused and absence of other accused.

16. Notably, Section 14(3) of the SC/ST (POA) Act mandates that Special Court trials proceed on a day-to-day basis until all witnesses are examined, with completion within two months from charge sheet filing. However, the learned Sessions Judge adjourned the matter by one month for witness examination. Given this, this Court directs the learned trial Judge to adhere to the statutory timeframe.

17. In the result, the Criminal Appeal is allowed and the impugned order dated 30.07.2025 made in Cr.M.P.No.746 of 2025 on the file of the Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two solvent sureties, of whom, one should be a



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blood relative, (solvency certificate to be obtained from the concerned Deputy Tahsildar) each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity;

[b] the appellant shall appear before the trial Court on every working day at 10.30 a.m., until further orders;

[c] the appellant shall not tamper with evidence or witness either during investigation or trial;

[d] the appellant shall co-operate with the investigation;

[e] On breach of any of the aforesaid conditions, the learned Special Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Special Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 268-A BNS.



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18. The learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, is directed to complete the trial in Spl.S.C.No.90 of 2019 within a period of two months as stipulated in the Statute.

17.10.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Sessions Judge,
Special Court for Trial of cases registered under
SC/ST(POA) Act, 1989,
Ramanathapuram.
- 2.The Superintendent,
District Jail,
Ramanathapuram.
- 3.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.



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K.MURALI SHANKAR,J.

csn

- 4.The Inspector of Police,
B1 - Town Police Station,
Ramanathapuram,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Judgment made in
Crl.A.(MD)No.907 of 2025

Dated : 17.10.2025