

CRL.A(MD).No. 946 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date of reserved	16/09/2025
Date of pronounced	19/09/2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.946 of 2025

Udapan @ Mathan

: Appellant/Petitioner/A2

Vs.

1.The Deputy Superintendent of Police,
Samayanallur Sub Division,
Madurai District.

2.The State of Tamil Nadu
by The Inspector of Police,
Alanganallur Police Station,
Madurai District.

: Respondents 1 and 2/
Complainants

3.Suresh

: 3rd Respondent/De-facto
Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act 1989 to call for the entire records pertaining to the order, dated 07/08/2025 made in Cr.M.P.No.198 of 2025 passed by the learned III Additional District and Sessions Court (PCR Court), Madurai and set aside the same as illegal and enlarge the appellant on bail.



WEB COPY



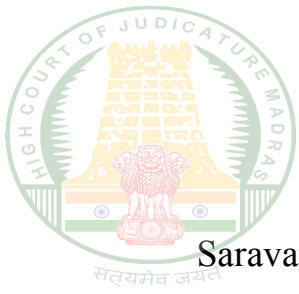
CRL.A(MD).No. 946 of 2025

For Appellant : Mr.M.Suresh
For R1 and R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
For 3rd Respondent : Mr.Suresh
(Party in person)

JUDGMENT

This Criminal Appeal has been filed seeking an order to set aside the order passed in Cr.M.P.No.198 of 2025, dated 07/08/2025, on the file of the III Additional District and Sessions Court (PCR Court), Madurai, dismissing the petition for bail.

2.The case of the prosecution is that A1-Jothika had married Saravanan in the year 2018 and they are having two childrens; that while they were living at Valasai, A2 who was working in the hollow block company, had affair with the said Jothika, due to which, quarrel arose between A1 and her husband Saravanan; that on 28/10/2024 at about 10.00 pm, when Saravanan and A1 are sleeping in their house, at about 12.00 noon, A1 lifted the pestle stone and thrown it on the neck of her husband Saravanan; that A2 and one Siva had entered into the house of Saravanan with weapon; that A2 sat on the back of Saravanan, lifted the

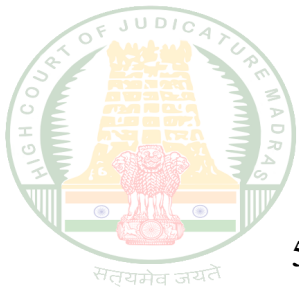


CRL.A(MD).No. 946 of 2025

Saravanan's neck and cut the same with Aruval, while A1 and Siva caught hold of the Saravanan's hands and legs; that A2 had then hit the said Saravanan with hammer; that when they were removing the body of Saravanan, the complainant along with others had entered appearance and that A2 by showing Aruval had threatened them.

3.On the basis of the complaint given by the brother of the deceased Saravanan, FIR came to be registered in Crime No.427 of 2024 on 29/10/2024 against the said two named persons now A1 and A2 and another for the offences under sections 103(1), 351(3) of BNS and the first respondent, after completing the investigation, filed an alternation report under section 83(2) of the Juvenile Justice Act, 2015, under sections 61(2), 103(1) & 351(3) of BNS and under section 3(2)(v) of SC/ST Act and laid the final report and the case was taken on file in Spl.SC No.28 of 2025 and is pending on the file of the III Additional District and Sessions Judge (PCR Court), Madurai.

4.The appellant moved an application for bail in Cr.MP No.198 of 2025 before the trial court and the learned Sessions Judge, after enquiry passed the impugned order, on 07/08/2025 dismissing the bail petition.



CRL.A(MD).No. 946 of 2025

5. Aggrieved by the dismissal order, the present criminal appeal came to be filed.

6. The learned counsel for the appellant/A2 would submit that the first accused was already enlarged on bail by the trial court, vide order, dated 29/05/2025; that the appellant has been falsely implicated in the above criminal case due to earlier animosity; that the appellant had fled away with A1 earlier; that the prosecution has raised objection that if the appellant is granted bail, he would abscond to Rajasthan, but the same is without any basis; that the appellant is in custody from 29/10/2024 and that since, charge sheet has already been filed, his further custody is not required and therefore, he may be enlarged on bail.

7. In response to the notice, the third respondent/de-facto complainant appeared in person and raised his serious objection that the appellant brutally murdered the deceased and if released would abscond to Assam, where he previously worked.

8. The learned Government Advocate (Criminal side) for the respondents 1 and 2 would submit that the present case is a brutal murder



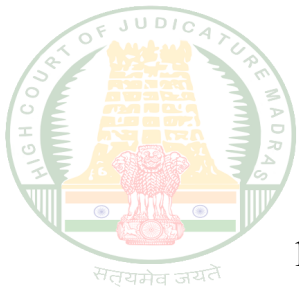
CRL.A(MD).No. 946 of 2025

case, and the de-facto complainant, having witnessed the disposal of the body of the deceased Saravanan, was threatened by the appellant and that releasing the appellant on bail would pose a danger to the de-facto complainant and his family members. Additionally, there is a likelihood of the appellant absconding to Assam with A1, undermining the investigation and trial. Given these concerns, the respondents 1 and 1 strongly object to grant bail to the appellant.

9.No doubt, the learned Sessions Judge has granted bail to A1 in Cr.M.P No.82 of 2025, vide order, dated 29/05/2025.

10.The learned Government Advocate (Criminal side) would submit that though, bail was granted to A1, she has not produced any sureties and hence, she is in judicial custody till now.

11.The learned Government Advocate (Criminal side), on instructions, would submit that the appellant was working in Assam earlier and he returned to Madurai two or three years back. It is the specific case of the prosecution that A1 and A2 had illicit affair and when the same was questioned by the deceased Saravanan, A1 used to pick up quarrel with her husband frequently.

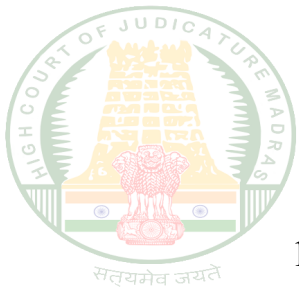


CRL.A(MD).No. 946 of 2025

12.As rightly pointed out by the learned Government Advocate (Criminal side), in the complaint, the third respondent/de-facto complainant has specifically stated that one Sankar on knowing that something was happening in the house of A1, had informed to the de-facto complainant immediately and while the de-facto complainant along with his wife went to the house of A1, A1 and two others were dragging the legs of his brother Saravanan and subsequently found the body of Saravanan near the house of one Manikandan.

13.Considering the nature and gravity of the offence alleged and also the way, in which the alleged murder was committed and taking note of the contention of the prosecution that there is a risk of the appellant fleeing to Assam with A1 as he was residing there earlier, this court is not inclined to enlarge the appellant on bail.

14.It is pertinent to note that section 14(3) of SC/ST (POA) Act contemplates that in every trial before the Special court, the proceedings shall be continued from day-to-day basis until all the witnesses in attendance have been examined and that the trial is to be completed within a period of two months from the date of filing of the charge sheet.



CRL.A(MD).No. 946 of 2025

15. Since, this court is not inclined to enlarge the appellant on bail, the trial Judge is to be directed to complete the trial as per the time frame fixed in the Act itself. In the present case, charges have already been framed against the accused and now the case is pending for trial.

16. In the result, the criminal appeal is **dismissed**. The learned Trial Judge is directed to commence the trial and complete the same within a time stipulated in the Statute.

19.09.2025

Internet: Yes/No
Index: Yes/No
NCC: Yes/No

er



WEB COPY



CRL.A(MD).No. 946 of 2025

K.MURALI SHANKAR,J.

er

To

- 1.The III Additional District and Sessions Judge,
(PCR Court), Madurai.
- 2.The Deputy Superintendent of Police,
Samayanallur Sub Division,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 4.The Government Advocate,
(Criminal side),
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.

CRL.A(MD).No. 946 of 2025

19.09.2025