



Crl.A.(MD)No.1022 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.(MD)Nos.1022 and 1131 of 2024

Dhanasekaran @ Subbu

... Appellant in Crl.A.(MD)No.
1022/2024

V.Mariselvam

... Appellant in Crl.A.(MD)No.
1131/2024

Vs.

1.The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Sattur Town Sub Division,
Virudhunagar District.

2.The State of Tamil Nadu,
Rep by the Inspector of Police,
Sattur Town Police Station,
Sattur, Virudhunagar District
(In Crime No.358 of 2023)

3.Irulapparaja

... Respondents in both appeals

PRAYER in Crl.A.(MD)No.1022 of 2024 : Criminal Appeal filed under Section 14A (2) of the SC/ST Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Crl.M.P.No.273 of 2024 dated 16.10.2024 in in Spl.S.C.No.1 of 2024 on the file of the learned Sessions Judge, Special Court (For Trial of Cases under SC/ST (POA) Act, 1989)



Crl.A.(MD)No.1022 of 2024

Virudhunagar District at Srivilliputhur) and set aside the same and grant bail to the appellants by allowing this appeal.

PRAYER Crl.A.(MD)No.1131 of 2024 : Criminal Appeal filed under Section 14A (2) of the SC/ST Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Crl.M.P.No.175 of 2024 in Spl.S.C.No.1 of 2024 on the file of the learned Sessions Judge, Special Court (For Trial of Cases under SC/ST (POA) Act, 1989) Virudhunagar District at Srivilliputhur) and set aside the same and enlarge the appellant on bail in connection with Crime No.358 of 2023 on the file of the respondent police by allowing this appeal.

For Appellant	: Mr.S.Vishnuvardhan (In Crl.A.(MD)No.1022 of 2024)
For Appellant	: Mr.M.Kannan (In Crl.A.(MD)No.1131 of 2024)
For R1 and R2	: Mr.A.Thiruvaid Kumar Additional Public Prosecutor (In both appeals)
For R3	: Mr.R.Rajesh Kumar (In both appeals)

COMMON ORDER

The petitioners, who are A5 and A6 and remanded to judicial custody on 13.10.2024 for the offence under Sections 147, 148, 294(b), 302, 506(ii) IPC and Section 3(1)(r), 3(1)(s), 3(2)(v) of the SC/ST Act, have filed this petition.



Crl.A.(MD)No.1022 of 2024

2.The contention of the petitioners is that one Gandhiraj was done to death by way of retaliation due to the attack of a cast Hindu person by his brother-in-law by using a bear bottle on 01.10.2023 and for which the petitioners have conspired with the other accused and the petitioners and other accused had murdered Gandhiraj using knife and arms. In this case, the petitioners are suffered incarceration for a long period. Now the trial is also in progress. In view of the same, the further detention of the petitioners is not required. Hence, the sought for bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 7 accused persons in this case and the occurrence had taken place on 10.10.2023 at about 11.45 a.m.,. The murder has taken place in a public road. It is a retaliatory murder. Earlier, one Madhavan, brother-in-law of the deceased, had attacked a case Hindu person and a case in Crime No.107 of 2023 for the offence under Section 307 IPC had been registered. The petitioners had conspired with the other accused to do away any one of the family members of the said Madhavan and all the accused met on 02.10.2023 and planned and thereafter, they made it on 10.10.2023. A1 and A2 executed the murder. The petitioners in this case, apart from



Crl.A.(MD)No.1022 of 2024

participating in the conspiracy, they have supplied arms to the assailants A1 and A2 in this case. The case is now at penultimate stage and also 53 witnesses have been examined except the Investigating Officer. The Investigating Officer is get into the box tomorrow (i.e., on 23.01.2025) and the trial will be completed within a short period.

4.He further submits that the victims in this case have already lodged a complaint fearing threat for their life and safety and this Court had also directed to provide them adequate protection. At this stage granting bail to the petitioners will only jeopardize the trial and further the life of the victim and witnesses would be put to danger. Hence, strongly opposes this petition.

5.The learned counsel appearing for the victim submitted that in this case, it is a planned retaliatory murder in order to keep up the caste pride. The conspiracy was to done away any one of the family members of one Madhavan. The deceased in this case, namely Gandhiraj has got into the conspiracy. He was done to death in a public road and in the public view to infuse fear on the distressed community people and to show the pride in public by the caste Hind people. The victims are living in fear stage.



Crl.A.(MD)No.1022 of 2024

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6. Earlier, one of the victims, namely Mariswaran (L.W.2) had filed writ petition in W.P.(MD)No.928 of 2024 seeking protection and this Court by order dated 13.02.2024 had directed the District Collector to provide adequate police protection for the safety of the petitioner therein and also to other witnesses relating to the murder case of said Gandhiraj. He further submitted that the bail applications in Crl.M.P.Nos.703 and 776 of 2024 filed by some of the accused were dismissed by this Court by order dated 27.09.2024 and it was also recorded that if the accused are released on bail, there will be another retaliation damaging the witnesses and also it will make threat to the witnesses. The same situation still prevails. Hence, he seeks to dismiss these appeals.

7. In view of the above, this Court does not find any ground to grant bail to the appellants. Further, it is a honour killing by the caste Hind people for the reason that a distressed community person is said to have attacked the caste Hind Person. It is also a retaliation murder and that too in a public place to infuse fear on the victims and the distressed community people. Since the trial is at the penultimate stage, this Court is not inclined to grant bail to the appellants.



Crl.A.(MD)No.1022 of 2024

8. Accordingly, these appeals are dismissed.

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22.01.2024

NCC : Yes / No

Index : Yes / No

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To

1. The Sessions Judge,
Special Court (For Trial of Cases under SC/ST (POA) Act, 1989)
Virudhunagar District at Srivilliputhur)

2. The Deputy Superintendent of Police,
Sattur Town Sub Division,
Virudhunagar District.

3. The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District

4. The Inspector of Police,
District Crime Branch,
Karur District.

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



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Crl.A.(MD)No.1022 of 2024

M.NIRMAL KUMAR, J.

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Crl.A.(MD)No.1022 of 2024

22.01.2025