



CrI.A.(MD)No.1088 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.A.(MD)No.1088 of 2025

Paramasivam

...Appellant/
Petitioner/
Accused No.4

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
(Crime No.125 of 2021)

... 1st Respondent/
Complainant/
Complainant

2.Pradhap

...2nd Respondent/
Defacto
Complainant/
Defacto
Complainant

PRAYER: Criminal Appeal filed under Section 14A(2) of Scheduled Caste / Scheduled Tribes Act,1989 as amended by Act 1 of 2016, praying to call for the records pertaining to the order dated 30.09.2025 in



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Crl.M.P.No.195 of 2025 in Spl.S.C.No.25 of 2022 on the file of the Special Court for SC/ST Act cases, Pudukkottai and to set aside the same and enlarge the appellant on bail in connection with Crime No.125 of 2021 on the file of the first respondent police by allowing this criminal appeal.

For Appellant : Mr.V.Vijayendiran

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

R2-Party-in-person

JUDGMENT

This Criminal Appeal has been filed seeking orders to set aside the order passed in Crl.M.P.No.195 of 2025 in Spl.S.C.No.25 of 2022, dated 30.09.2025, on the file of the Special Court for trial of SC/ST Act cases, Pudukkottai, dismissing the application for bail filed under Section 483 B.N.S.S.

2. The appellant is the fourth accused in Spl.S.C.No.25 of 2022 pending on the file of the Special Court for trial of SC/ST Act cases, Pudukkottai for the offences under Sections 147, 341 and 323 IPC r/w Sections 3(1)(X)(s) and 3(2)(va) of SC/ST (POA) Act.



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3. It is not in dispute that after completing the investigation, charge sheet came to be filed on 31.10.2021 and the case was taken on file in Spl.S.C.No.25 of 2022 on 21.04.2022 and posted to 13.07.2022 for the appearance of the accused and that since summons were pending for the present appellant as well as for the sixth accused, the case was kept pending. Subsequently, after coming to know that the appellant went abroad, Non-Bailable Warrant (NBW) came to be issued against him on 03.04.2024 and lookout circular was issued on 25.06.2025 and when the appellant returned, he was arrested on 25.09.2025 and remanded to judicial custody.

4. The learned counsel appearing for the appellant would submit that the appellant was not aware of the filing of the charge sheet and pendency of the proceedings.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that after registration of FIR, the appellant was arrested and was released on bail and he was fully aware of the filing of the charge sheet and pendency of the proceedings.



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6. In response to the notice, the second respondent / defacto complainant appeared in person and would submit that some people belonging to the appellant's village have been contacting him and insisting him to support the appellant for getting bail and that they have been practically threatening him.

7. As already pointed out, the present sessions case is pending from 2022 for the past more than three years without any progress on the ground that summons to two of the accused including the appellant herein are pending. This Court is at loss to understand as to why the concerned police or Court has not taken any steps to split up the case as against the unserved accused and proceed with the other accused as they were appearing from 2022.

8. Considering the above facts and circumstances and also the facts that the appellant went abroad and remained absconding for more than three years and that the appellant is in judicial custody only from 25.09.2025, this Court is not inclined to grant bail to the appellant at this point of time.



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9. In the result, the Criminal Appeal is dismissed. The first respondent police is directed to take necessary steps to split up the case as against the sixth accused against whom service is pending and proceed with the case as against the other accused including the appellant.

16.10.2025

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

To

- 1.The Special Sessions Judge,
Special Court for Trial of SC/ST Act cases,
Pudukkottai.
- 2.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai District.



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K.MURALI SHANKAR, J.

csm

Judgment made in
Crl.A.(MD)No.1088 of 2025

Dated : 16.10.2025