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CRL.A.(MD).No.1109 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.10.2025

Delivered on : 30.10.2025

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.A(MD).No.1109 of 2025

Swaminathan

.. Appellant

Vs.

1.State of Tamil Nadu rep.by
The Deputy Superintendent of Police,
Kottaipattinam Sub-Division,
Pudukkottai District.

2.The Deputy Superintendent of Police,
Aranthangi Sub-Division,
Pudukkottai District.

3.The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
Crime No.96 of 2025.

4.Priya

.. Respondents

PRAYER: Criminal Appeal filed under Section 14 A(2) of SC/ST (PoA) Act 2015, to call for the records relating to the impugned order passed by the learned Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai (FAC) in Cr.M.P.No.179 of 2025 and the same was dismissed on 16.09.2025 and set aside the same.

For Appellant : Mr.R.M.S.Sethuraman,



For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)
for R1 to R3.

: No Appearance for R4.

JUDGMENT

The Criminal Appeal is directed against the order made in Cr.M.P.No.179 of 2025, dated 16.09.2025 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai (FAC), dismissing the bail application filed under Section 483 of BNSS.

2. The appellant is the tenth accused in Crime No.96 of 2025 on the file of the Avudaiyarkovil Police Station, Pudukkottai District, for the offence under Sections 191(2), 191(3), 103(2), 351(3) of BNS r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (PoA) Amendment Act 2015.

3. The case of the prosecution is that there existed prolonged enmity between the defacto complainant family and one Kalidass @ Koolu; that six months prior to the occurrence, one Suryaprabhu distant relative of the defacto complainant died in a road accident and the two wheeler of the Suryaprabhu was sold to the friend of the first accused, but the sale price was not entirely paid and that the defacto complainant's



husband Kannan compelled the first accused to pay the sale price that leads to a wordy altercation between the deceased and the first accused and at that time, the first accused and his friends criminally intimidated the deceased. Pursuant to a criminal conspiracy hatched by the accused including the appellant herein, on 24.07.2025 at about 09.45 pm., accused 1 to 8 allegedly attacked the deceased Kannan and his cousin Karthick with deadly weapons and brutally killed them and that the other accused, including the appellant allegedly assisted the prime accused in various ways.

4. According to the prosecution, on the basis of the confession alleged to have been taken from the first accused, the present appellant and the other accused were implicated and the appellant himself had given voluntary confession statement admitting his role in the conspiracy and taking of the other accused in a Car and keeping the cell phones of accused 1 to 3, after the occurrence.

5. The learned counsel for the appellant would submit that even according to the confession alleged to have taken from the first accused, the appellant was not at all connected with the crime; that there is no *prima facie* case made out against the appellant in respect of the offences



referred, that the appellant is an innocent and has not committed any offence and that he has been falsely implicated in the above case.

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6. The learned counsel for the appellant would further submit that the first respondent has completed the investigation and filed the final report and the case was taken on file in Spl.S.C.No.32 of 2025 and the same is pending on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai and that therefore, the question of hampering the investigation by the appellant does not arise. He would further submit that the appellant was arrested on 21.08.2025 and he is in judicial custody since 21.08.2025; that the appellant moved an application for bail under Section 483 of BNSS before the Special Court, but the learned Special Judge, without considering the above aspects in proper perspective, dismissed the petition, vide order, dated 16.09.2025 and that therefore, the appellant was constrained to prefer the present appeal challenging the bail dismissal order.

7. The learned Government Advocate (Criminal Side) appearing for the State would submit that the appellant along with other accused had taken part in the conspiracy to kill the deceased; that the first accused in his voluntary confession statement has clearly implicated the



appellant, disclosing his involvement in the commission of offence and on that basis, he was added as an accused; that the appellant gave voluntary confession admitting his role in the occurrence, that the appellant alone had picked up some of the accused in a car, who had committed double murder and dropped them at a particular place and that he was keeping the cell phones of accused Nos. 1 to 3.

8.The learned Government Advocate (Criminal Side) appearing for the State would further submit that though the charge sheet has already been filed and the case was taken on file, if the appellant is released on bail, he will abscond and there is every possibility of threatening and tampering the witnesses and that since it is a double murder case and considering the role played by the appellant, the impugned order of the Special Court in dismissing the bail plea cannot be found fault with.

9.No doubt, as already pointed out, the respondent police has completed the investigation and filed the final report and that the charge sheet was taken on file in Spl.S.C.No.32 of 2025 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai. As rightly contended by the learned Government Advocate (Criminal Side), just



because the charge sheet was laid, that by itself is not a ground sufficient enough to grant the bail in a double murder case.

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10. Considering the above facts, circumstances and the gravity of the charges levelled and taking note of the role played by the appellant and also the period of incarceration, this Court is not inclined to grant bail to the appellant at this point of time. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

11. In the result, the Criminal Appeal is dismissed.

30.10.2025

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

To

1. The Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai.
2. The Deputy Superintendent of Police, Kottaipattinam Sub-Division, Pudukkottai District.



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3. The Deputy Superintendent of Police,
Aranthangi Sub-Division,
Pudukkottai District.
4. The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
5. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

Pre-delivery order made in
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30.10.2025