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CRL.A.(MD).No.1125 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 31.10.2025

Delivered on : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.1125 of 2025

1.Dhanapal

2.Alexandar

: Appellants

Vs.

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

2.The Inspector of Police,
Aavudayarkovil Police Station,
Pudukkottai District.
Crime No.96 of 2025

3.Priya

.. Respondents

PRAYER: Criminal Appeal filed under Section 14 A(2) of SC/ST (PoA) Act, 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.189 of 2025 and the same was dismissed on 25.09.2025 and set aside the same.

For Appellants : Mr.R.Balamuruganantham



For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)
for R1 and R2.

: Mr.K.Sivabalan, for R3.

JUDGMENT

The Criminal Appeal is directed against the order made in Cr.M.P.No.189 of 2025, dated 25.09.2025 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 appellants are the ninth and 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 appellants 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 appellants 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 appellants and the other accused were added and the present appellants before the alleged occurrence, watched the movements of the deceased and informed the same to the prime accused. Moreover, after the occurrence, they had arranged accommodation for the other accused and the second appellant has given a huge knife to the second accused immediately before the alleged occurrence .

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



appellants are innocents and have not committed any offence and that they have been falsely implicated in the above case.

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6. It is not in dispute that the first respondent, after completing the investigation, laid 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 Exclusive Trial of Cases under SC/ST (PoA) Act, Pudukkottai.

7. The learned counsel for the appellants would further submit that since the charge sheet was already laid and the case was taken on file, the question of hampering the investigation by the appellants does not arise. He would further submit that the appellants were arrested on 21.08.2025 and they are in judicial custody; that the appellants moved an application for bail under Section 483 of BNSS before the Special Court, but the learned Special Judge, without considering the reasons canvassed, dismissed the petition, vide order, dated 25.09.2025 and that therefore, the appellants were constrained to prefer the present appeal challenging the bail dismissal order.

8. The learned Government Advocate (Criminal Side) appearing for the State would submit that the appellants along with other accused had taken part in the conspiracy to kill the deceased; that the second appellant



gave a huge knife to the second accused immediately before the alleged occurrence for using at the time of occurrence; that the appellants have arranged for accommodation for the other accused after the alleged occurrence and that they had assisted the other accused before as well after the occurrence.

9.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 appellants are released on bail, they 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 appellants, they are not entitled to be enlarged on bail at this point of time.

10. 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.

11. Considering the above facts, circumstances and the gravity of the charges levelled and taking note of the role played by the appellants and also the period of incarceration, this Court is not inclined to grant bail to the



appellants at this point of time. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

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

05.11.2025

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

- 1.The Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai.
- 2.The Deputy Superintendent of Police, Aranthangi Sub-Division, Pudukkottai District.
- 3.The Inspector of Police, Aavudayarkovil Police Station, Pudukkottai District.
- 4.The Additional Public prosecutor, Madurai Bench of Madras High Court, Madurai.
- 5.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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