



Crl.A.(MD)No.1161 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.11.2025

Pronounced on : 14.11.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.1161 of 2025

1.Pandimurugan

2.Pandi @ Muthu Pandi

... Appellants/
Accused No.4 & 6

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Sub Division.

2.The State of Tamil Nadu represented by its
The Inspector of Police,
Perungudi Police Station,
Madurai District.
(Crime No.128 of 2025)

... Respondents/
Complainants

3.Chinnathambi

...3rd Respondent/
Defacto
Complainant



Crl.A.(MD)No.1161 of 2025

Prayer : This Criminal Appeal filed under Section 14A(2) of SC/ST Act, 1989 as Amended by Act 1 of 2016, to set aside the order dated 06.10.2025 passed in Crl.M.P.No.276 of 2025 in Crime No.128 of 2025 on the file of IIIrd Additional District and Sessions Judge (FAC), Madurai, Madurai District.

For Appellants : Mr.S.Kannan

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Crl. Side) for R1 & R2

Mr.S.Ramesh Kumar for R3

JUDGMENT

The Criminal Appeal is directed against the order passed in Crl.M.P.No.276 of 2025 dated 06.10.2025 on the file of the III Additional District and Sessions Court (PCR), Madurai, dismissing the petition for bail filed under Section 483 B.N.S.S.

2. The appellants are the accused 4 and 6 in Crime No.128 of 2025 on the file of the second respondent police.

3. The case of the prosecution is that the third respondent / defacto complainant and their family are belonging to Hindu Chakkiliyar



Crl.A.(MD)No.1161 of 2025

WEB COPY

community and that on 31.08.2025, at about 09.00 a.m., the third respondent's elder son Alagar @ Ajay, who is aged 19 years, had gone to his job of beating drums and at about 02.00 p.m., the third respondent was informed that his son Alagar died and on enquiry, he came to know that nine persons including the appellants herein had abused his son in filthy language and assaulted him by using their hands and legs and as a result of which, he succumbed to the injuries. On the basis of the complaint, a case in Crime No.128 of 2025 was registered on 31.08.2025 by the second respondent police against nine persons under Sections 191(2), 296(b), 351(2) and 105 BNS @ Sections 191(2), 296(b), 103 and 351(2) BNS and Sections 3(l)(r), 3(l)(s) and 3(2)(v) of SC/ST (POA) Act, 1989. The appellants are in judicial custody from 01.09.2025. The appellants filed a petition for bail in Crl.M.P.No.276 of 2025 and the same was dismissed by the learned III Additional District and Sessions Judge (PCR), Madurai, on 06.10.2025. Challenging the same, the appellants have preferred this present Criminal appeal.

4. The learned counsel appearing for the appellants would submit that the appellants are innocent and are no way connected with the alleged



Crl.A.(MD)No.1161 of 2025

occurrence and they have been falsely implicated in the above case. He would further submit that the appellants and the deceased are close friends, that the appellants are working as auto drivers and every morning, they used to play kabadi along with the deceased, that the appellants were not in the occurrence place and there is no motive attributed against the appellants for the alleged murder, that the appellants were arrested on 01.09.2025 and are in judicial custody till now and that the appellants had no bad antecedents.

5. The third respondent / defacto complainant filed a counter affidavit raising serious objections.

6. The learned counsel appearing for the third respondent would submit that the third respondent's son was brutally murdered by the gang of nine persons including the appellants herein, that the appellants are very influential persons and if they are enlarged on bail, they will indulge in destroying the evidences and they will never co-operate with the investigation, that the appellants are habitual offenders, that there is also the possibility of danger to the life of the third respondent, that the learned



Crl.A.(MD)No.1161 of 2025

Sessions Judge, considering the objections, has rightly dismissed the petition and that therefore, the impugned order does not warrant any interference.

7. The Assistant Superintendent of Police, Thirumangalam Sub Division, Madurai District filed a counter affidavit raising objections.

8. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that all the accused including the appellants were secured on 01.09.2025 and remanded to judicial custody, that since the seventh accused is a juvenile, he was produced before the concerned authority, that during investigation, they have come to know that the accused including the appellants had assaulted the deceased as they belong to upper caste, that since the appellants and the third respondent are living in the same place, there is an apprehension of law and order situation, that if the appellants are granted bail, there is chance of absconding and tampering with the witnesses, that the investigating officer examined 26 witnesses and filed the charge sheet before the III Additional District and Sessions Court (PCR) Madurai on 31.10.2025 and



Crl.A.(MD)No.1161 of 2025

the case is yet to be taken on file and that the impugned order dismissing the bail petition is liable to be confirmed. He would further submit that the appellants are in judicial custody from 01.09.2025 and that the appellants are not having any previous cases.

9. The learned counsel appearing for the appellants would submit that even according to the prosecution, the deceased was attacked by the accused using their hands and no weapon was allegedly used.

10. Considering the above facts and circumstances and taking note of the fact that the appellants are in judicial custody from 01.09.2025 and investigation has already been completed and that the appellants had no bad antecedents, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 06.10.2025 made in Crl.M.P.No.276 of 2025 on the file of the III Additional District and Sessions Court (PCR), Madurai.

11. Accordingly, the Criminal Appeal is allowed and the impugned order, dated 06.10.2025 made in Crl.M.P.No.276 of 2025 on the file of the



Crl.A.(MD)No.1161 of 2025

III Additional District and Sessions Court (PCR), Madurai, is set aside.

The appellants are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** **each** with two sureties, each for a like sum to the satisfaction of the III Additional District and Sessions Court (PCR), Madurai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity;

(b) the appellants shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, Chengalpattu daily at 10.30 a.m., until further orders;

(c) the appellants shall not tamper with evidence or witness either during investigation or trial;

(d) the appellants shall co-operate with the investigation;

(e) On breach of any of the aforesaid conditions, the learned Sessions Judge / Trial Court is entitled to take



WEB COPY



Crl.A.(MD)No.1161 of 2025

*appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Sessions Judge / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.*

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

14.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The III Additional District and Sessions Judge (PCR),
Madurai.
- 2.The Superintendent,
District Jail,
Theni.
- 3.The Deputy Superintendent of Police,
Thirumangalam Sub Division.
- 4.The Inspector of Police,
Perungudi Police Station,
Madurai District.

8/10



Crl.A.(MD)No.1161 of 2025

WEB COPY

- 5.The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A.(MD)No.1161 of 2025

K.MURALI SHANKAR,J.

csn

Pre-Delivery Judgment made in
Crl.A.(MD)No.1161 of 2025

Dated : 14.11.2025