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CRL.A.(MD).No.1176 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.11.2025

Delivered on : 14.11.2025

CORAM

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

CRL.A(MD).No.1176 of 2025

1.Prakash

2.Honestraj

.. Appellants

Vs.

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

2.The Inspector of Police,
Avudaiyarkovil 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 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, in Cr.M.P.No.209 of 2025 and the same was dismissed on 15.10.2025 and set aside the same.

For Appellants : Mr.J.Yogeswaran,

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



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: Mr.K.Sivabalan, for R3.

JUDGMENT

The Criminal Appeal is directed against the order made in Cr.M.P.No.209 of 2025, dated 15.10.2025 on the file of the Special Court for Trial of SC/ST Act Cases, Pudukkottai, dismissing the bail application filed under Section 483 of BNSS.

2. The appellants are the eighth and fourteenth 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 appellants and the other accused were implicated and the second appellant before the alleged occurrence watched the movements of the deceased and informed the same to the prime accused and after the occurrence, some of the accused including the second appellant had arranged accommodation for the prime accused. It is the specific case of the prosecution that the first appellant/A8, along with accused Nos. 1 to 7, had taken active participation in committing double murder.

5. The learned counsel for the appellants would submit that even according to the confession alleged to have taken from the first accused, the second appellant was not at all connected with the crime and there is no *prima facie* case made out against the second appellant in respect of the offences referred. He would further submit that the appellants/A8 & A14



were not at all present at the occurrence; that both the appellants are innocents and have not committed any offence and that they have been falsely implicated in the above case.

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 27.07.2025 and 08.09.2025 respectively 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 taking note of the reasons canvassed, dismissed the petition, vide order, dated 15.10.2025 and that therefore, the appellants were constrained to prefer the present appeal challenging the bail dismissal order.

8. The learned counsel appearing for the third respondent/defacto complainant would submit that the first appellant/A8 along with accused 1



to 7 had brutally attacked her husband Kannan and his cousin Karthik with deadly weapons; that the appellants along with other accused had entered into a conspiracy to kill the deceased Kannan and his cousin Karthik; that the second appellant/A14 watched the movements of the deceased and informed the same to the prime accused and after the occurrence, he arranged accommodation for the other accused and also assisted the other accused in various ways; that this Court has earlier dismissed the appeals filed by the three other accused and that since the appellants are not entitled to be enlarged on bail, the appeal is liable to be dismissed.

9.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 first appellant had actively participated in the commission of offence; that the second appellant had arranged accommodation for the other accused both before and after the occurrence and that he had assisted the other accused.

10.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.

11. 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.

12. 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.

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

14.11.2025

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, Avudaiyarkovil 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
CRL.A(MD).No.1176 of 2025

14.11.2025