



CRL.A.(MD).1202 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.11.2025

Delivered on : 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.1202 of 2025

ShahulHameedhu @ Sahul Hamed

: Appellant

Vs.

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

2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.
Crime No.91 of 2024.

3.Karthick @ Muthuraja

: 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 District and Special Sessions Judge, Karur, in Cr.M.P.No.1481 of 2025 and the same was dismissed on 03.09.2025 and set aside the same.

For Appellant : Mr.M.Mohamed Sherbudeen

For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1 and R2.



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CRL.A.(MD).1202 of 2025

: Mr.P.Manoharan, for R3.

JUDGMENT

The Criminal Appeal is directed against the order made in Cr.M.P.No.1481 of 2025, dated 03.09.2025 on the file of the learned District and Sessions Judge, Karur, dismissing the bail application filed under Section 483 of BNSS.

2. The case of the prosecution is that on 19.02.2022, the defacto complainant Karthick @ Muthuraja and the deceased Ramar @ Ramakrishnan were returning to their home to Madurai after attending a criminal case at Karur; that when they were proceeding on their two wheeler near Therapaadi pirivu, Aravakurichi Village, at that time 4 to 5 persons came in a Bolero Car in the same direction and dashed against the two wheeler, as a result of which, both of them fell down; that the accused attacked the deceased Ramar @ Ramakrishnan on his head and his face with Aruval and other deadly weapons and as a result, he died on the spot and that the accused had also attacked the defacto complainant with deadly weapons, due to which, he sustained grievous injuries. On the basis of the



CRL.A.(MD).1202 of 2025

complaint lodged by the defacto complainant, FIR came to be registered in Crime No.91 of 2024 on 19.02.2024 for the offence under Sections 307 and 302 IPC against four unknown persons. Subsequently, the case was altered to the offences under Sections 109, 120(b), 147, 148, 302, 307 IPC r/w 3(2) (v) of SC/ST (PoA)Act.

3. According to the prosecution, 19 persons were involved in the occurrence and the appellant, who is the 16th accused was arrested on 28.03.2024.

4. It is not in dispute that the appellant moved an application for bail before the District and Sessions Court in Crl.M.P.No.449 of 2024, seeking bail and the same was dismissed on 30.04.2024 and challenging the dismissal order, he preferred an appeal before this Court in Crl.A(MD) No.422 of 2024 during vacation. A learned Judge of this Court, vide order, dated 24.05.2024, granting interim bail for a period of three weeks and directed the appellant to surrender before the Central Prison, Coimbatore at 05.00 pm, on 15.06.2024 and on filing of extension petition, extended the interim bail period till 28.06.2024.



CRL.A.(MD).1202 of 2025

WEB COPY

5. When the appeal was taken up for hearing on 03.03.2025, considering the submissions made by the learned Government Advocate (Criminal Side) that the appellant has neither surrendered before the Central Prison as directed nor complied with the conditions imposed in the interim bail order, directed the Superintendent of Police, Karur to pay attention and to ensure that the appellant is secured within a period of two weeks from the date of receipt of copy of that order and to file a report.

6. When the matter was taken up for hearing again on 25.03.2025, recording the submission that the appellant was secured on 15.03.2025 and taking note of the submission of the learned Government Advocate (Criminal Side) that final report filed before the jurisdictional Court was not taken on file, directed the Special Court to take up the final report on its file immediately and proceed with the trial and conclude the trial as expeditiously as possible, preferably within a period of six months from the date of receipt of copy of the said order.

7. According to the prosecution, they have filed a supplementary charge sheet and the case was taken on file Spl.S.C.No.20 of 2025 and the same is pending on the file of the District and Sessions Court, Karur.



CRL.A.(MD).1202 of 2025

WEB COPY

8. The learned counsel for the appellant would submit that the occurrence had taken place due to previous enmity between the deceased and the persons involved in the crime; that the appellant is an innocent and is in no way connected with the occurrence or both the parties; that the appellant is doing business of mediating the sales of used cars; that the Bolero Car involved in the crime originally belonged to one Annadurai and the car was purchased by one Suresh from the said Annadurai; that the appellant was approached by the said Suresh for selling the car and the appellant as a mediator sold the car to the person namely Sadam of Kannivadi; that when the appellant was taken custody by the second respondent on 24.03.2024, he explained the facts relating to the purchase and sale of the Bolero Car and his role as a mediator, but the second respondent falsely implicated the appellant in the above case and sent him to remand; that the appellant due to apprehension and threat of imposing Goondas on him, he had not surrendered before the Central Prison, Coimbatore on 28.06.2024 as directed by this Court; that the appellant moved a petition for bail in Crl.M.PNo.1481 of 2025 before the trial Court, but the same was again dismissed on 03.09.2025 and that therefore, the appellant was constrained to file the present appeal.



CRL.A.(MD).1202 of 2025

WEB COPY

9. The learned counsel for the appellant would further submit that the appellant was arrested on 15.03.2025 and is in judicial custody for the past more than 8 months and that since the charge sheet was already filed and the case was taken on file, the question of hampering the investigation does not arise and that therefore, the appellant may be enlarged on bail.

10. The learned counsel appearing for the third respondent would submit that the appellant has already violated the orders of this Court and failed to surrender before the Central Prison as directed by this Court; that thereafter, this Court directed the Superintendent of Police to take necessary steps to secure the accused within two weeks and in pursuance of the said direction, the appellant was secured on 15.03.2025; that the appellant had taken active part in the occurrence and that the learned trial Judge, considering the objections of the defacto complainant and the respondent police, rightly dismissed the bail petition and that therefore, the present appeal, which is devoid of merits, is liable to be dismissed.

11. The first respondent filed counter affidavit raising serious objections. The learned Government Advocate (Criminal Side) would



CRL.A.(MD).1202 of 2025

WEB COPY

submit that during investigation 53 witnesses including five eye witnesses were examined; that the first respondent, after finding the involvement of all the accused including the appellant, filed the final report and subsequently, submit supplementary final report; that the contention of the appellant that he had no connection whatever with the alleged occurrence and he only acted as a Mediator for the sale of the Bolero vehicle involved in the occurrence is false and untenable; that if the appellant is released on bail, there is every possibility of his absconding and threatening and tampering the witnesses and that the impugned order of the trial Court in dismissing the bail petition cannot be found fault with.

12. As already pointed out, though this Court has granted interim bail, the appellant failed to comply with the condition and absconded and that in pursuance of specific direction issued by this Court, the appellant was secured on 15.03.2025. As rightly contended by the learned Government Advocate (Criminal Side) in brutal murder case, just because charge sheet was filed, that by itself is not a ground sufficient enough to enlarge the accused on bail.



CRL.A.(MD).1202 of 2025

13. Considering the above facts, circumstances, the gravity of the offences alleged and also taking note of the fact that the appellant had violated the conditions of this Court and absconded, this Court is not inclined to enlarge the appellant on bail and as such, this Court is not inclined to interfere with the impugned order passed by the trial Court. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

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

28.11.2025

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



CRL.A.(MD).1202 of 2025

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To

- 1.The District and Special Sessions Judge,
Karur.
- 2.The Deputy Superintendent of Police,
Karur Rural Sub-Division,
Karur District.
- 3.The Inspector of Police,
Aravakurichi Police Station,
Karur 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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CRL.A.(MD).1202 of 2025

K.MURALI SHANKAR, J.

das

Pre-delivery order made in
CRL.A(MD).No.1202 of 2025

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