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CRL.A.(MD).No.1189 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.11.2025

Delivered on : 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.1189 of 2025

Thangaraja

: Appellant

Vs.

1.State of Tamil Nadu rep.by
The Deputy Superintendent of Police,
Koyyaipattinam, Pudukkottai District.

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

3.Priya @ Kannan 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, in Cr.M.P.No.217 of 2025 and the same was dismissed on 17.10.2025 and set aside the same.

For Appellant : Mr.R.Balakrishnan,

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)
for R1 and 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.217 of 2025, dated 17.10.2025 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 appellant is the thirteenth 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 added and the present appellant before the alleged occurrence, watched the movements of the deceased and informed the same to the prime accused and that the accused had been travelling along with the prime accused before occurrence and that the appellant alone had dropped two prime accused in a two wheeler immediately before the occurrence.

5. The learned counsel for the appellant would submit that even as per 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 is in noway connected with the alleged occurrence and that he has 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 appellant would further submit that the first respondent has already filed the charge sheet and the case was taken on file and as such, the question of hampering the investigation by the appellant does not arise. He would further submit that the appellant was arrested on 09.09.2025 and is in judicial custody; 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 reasons canvassed, dismissed the petition, vide order, dated 17.10.2025 and that therefore, the appellant was 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 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 implicated the appellant, disclosing his role and on that basis, he was added as an accused; that the appellant had



travelled along with other accused before the occurrence for some days; that the appellant watched the movement of the deceased and informed the same to the prime accused; that the appellant had dropped two of the main accused in a two wheeler immediately before the occurrence and that the appellant had assisted the other accused before as well as after occurrence.

9.The learned counsel appearing for the third respondent would submit that the appellant watched the movements of the deceased and informed the same to the main accused; that the appellant had assisted the other accused in various ways and since the appellant had taken part in the conspiracy as well as aided the other accused for commission of double murder, the impugned order dismissing the bail petition is liable to be confirmed. He would further submit that the complainant moved an application for availing Witness Protection Scheme and that releasing the appellant on bail, poses a risk to the safety of the complainant and other material witnesses.

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 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, he is 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 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.

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

21.11.2025

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, Koyyaipattinam, 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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