



WEB COPY

CRL.A.(MD).No.1204 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 19.11.2025

Delivered on : 21.11.2025

CORAM

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

CRL.A(MD).No.1204 of 2025

Vivek

.. Appellant

Vs.

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

2.The Inspector of Police,
Ammapettai Police Station, Thanjavur District.

3.Indirani

.. 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 I Additional District and Sessions Judge (PCR) Court, Thanjavur, in Cr.M.P.No.860 of 2025 and the same was dismissed on 30.10.2025 and set aside the same and enlarge the appellant on bail.

For Appellant : Mr.B.Jameel Arasu,

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

: No Appearance, for R3.



JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.860 of 2025, dated 30.10.2025 on the file of the learned I Additional District and Sessions Judge (PCR) Court, Thanjavur dismissing the bail application filed under Section 483 of BNSS.

2.The case of the prosecution is that the third respondent/defacto complainant is the wife of the deceased and they belong to schedule caste community; that during Pongal festival, the third respondent was grazing of goats in the field of one Nadanasigamani, who is the junior paternal uncle of the accused and that on 20.01.2025 at about 04.00 pm., while the third respondent was grazing goats along with her husband, the accused came in a two wheeler and abused them in filthy language using caste name and attacked her husband with beer bottle and using the broken bottle pierced on his neck, hand and other parts and as a result of which, third respondent's husband Arunachalam died on the spot. On the basis of the complaint lodged by the third respondent, FIR came to be registered in Crime No.47 of 2025 on 20.01.2025 for the offences under Sections 296(b), 103(1), 351(3) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (PoA) Act.



3. It is not in dispute that the appellant/accused was arrested on 22.01.2025 and was remanded to judicial custody and that the District Collector, Thanjavur, passed a detention order detaining him as Goonda in the proceedings, dated 28.02.2025. It is also not in dispute that the first respondent after completing the investigation filed the final report and the case was taken on file in Spl.S.C.No.40 of 2025 on the file of the Ist Additional District and Sessions Court, (PCR), Thanjavur.

4.The learned counsel for the appellant would submit that there was no pre-planning or conspiracy to commit the murder of third respondent's husband and even accepting the case of the prosecution, it can be taken as one due to sudden provocation; that the detention order against the appellant was revoked by this Court vide order, dated 05.11.2025; that the appellant is not having any bad antecedents and that since he is in judicial custody from 22.01.2025 for the past more than 10 months, he may be enlarged on bail.

5. In response to the notice issued, the third respondent/defacto complainant appeared in person and raised serious objections stating that if the appellant is released on bail, there is a risk to her life and that he is not entitled to be released on bail.



6.The first respondent filed counter affidavit raising objections.

The learned Government Advocate (Criminal Side) would submit that the trial Court already examined 25 witnesses out of 44 witnesses; that the case stand posted to 28.11.2025 for the examination of L.W.26 to L.W.35; that the appellant was having three previous cases, in which, one case was disposed of and other two cases including the murder case are pending and that the learned Sessions Judge, considering the above aspects, has rightly dismissed the bail petition and that therefore, the appeal is liable to be dismissed.

7. No doubt, the Division Bench of this Court in H.C.P(MD) No.954 of 2025 revoked the detention order passed against the appellant on 05.11.2025. But according to the learned Government Advocate (Criminal Side), the detention order was revoked mainly on the ground that the delay in considering the representation remained unexplained.

8.It is not in dispute that when the learned Sessions Judge passed the impugned order, dated 30.10.2025, 7 witnesses only came to be examined, but subsequently, 18 more witnesses have been examined in the meantime.



9. Considering the above facts and circumstances of the case, gravity of the offence alleged and also taking note of the facts that the trial of the case is in part heard and the objections of the third respondent that there is potential threat to her life, this Court is not inclined to grant bail at this point of time. But at the same time, this Court is of the view that the trial Court is to be directed to proceed with the trial and complete the same within the time to be stipulated by this Court.

10. Section 14(3) of SC/ST (PoA) Act contemplates that in every trial in the Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined and the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.

11. In the result, the Criminal Appeal is dismissed. The learned Ist Additional District and Sessions Judge (PCR) Court, Thanjavur, is directed to proceed with the trial and complete the same within a period of two months from the date of receipt of copy of this order.

21.11.2025

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

- 1.The I Additional District and Sessions Judge (PCR) Court,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Ammapettai Sub-Division, Ammapettai,
Thanjavur District.
- 3.The Inspector of Police,
Ammapettai Police Station,
Thanjavur 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.1204 of 2025

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