



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.A.No.1828 of 2025

Elavarasan

...Appellant

Versus

1.The State Rep. by its
Deputy Superintendent of Police,
Main Road, Selvaraj Nagar,
Virudhachalam – 606 001.

2.Station House Officer,
Kammapuram Police Station,
Cuddalore District.
(Crime No.13 of 2019)

3.Rajadurai

...Respondents

This Criminal Appeal is filed under Section 14A of SC/ST (Prevention of Atrocities) Amendment Act, 2015 praying to set aside the order dated 10.11.2025 passed in Crl.M.P.No.1271 of 2025 in S.C.No.104/2019 by the Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore and to



enlarge the appellant on bail in Crime No.13/2019.

For Appellant : Mr.K.Palaniappan

For Respondents – 1 & 2 : Mr.V.Meganathan,
Govt. Advocate (Crl.Side)

JUDGMENT

This Criminal Appeal has been filed by the Appellant seeking to set aside the Order dated 10.11.2025 in Crl.M.P.No.1271 of 2025 in S.C.No.104/2019 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore and to enlarge him on bail.

2. The case of the prosecution is that Appellant is Accused No.4 in S.C.No.104 of 2019 pending on the file of Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore. On 24.01.2024, the case in S.C.No.104 of 2019 was posted for hearing. However, on the said date, Appellant/Accused No.4 did not appear before the Trial Court. Hence, the

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Trial Court had issued Non Bailable Warrant against the Appellant/Accused No.4, pursuant to which, the Investigation Officer has arrested the Appellant/Accused No.4 and remanded him to judicial custody on 21.10.2025. Therefore, Appellant/Accused No.4 filed an Application viz., CrI.M.P.No.1271 of 2025 in S.C.No.104 of 2019 under Section 483 of BNSS, 2023 before the Trial Court seeking to grant him bail, but, the Trial Court vide Order dated 10.11.2025, dismissed the said bail application. Aggrieved by the said order, Appellant/Accused No.4 has preferred this Criminal Appeal.

3. The learned counsel for Appellant/Accused No.4 submitted that petitioner is an innocent daily wage labourer and he has been falsely implicated in this case. On 24.01.2024 (date of hearing of case in S.C.No.104 of 2019), Appellant/Accused No.4 was suffering from ill health and thus, he was unable to appear before the Trial Court.



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3.1. It is further submitted by the learned counsel for Appellant/Accused No.4 that prior to the issuance of Non Bailable Warrant, Appellant/Accused No.4 had been regularly appearing before the Trial Court and diligently participating in the proceedings. The non-appearance of Appellant/Accused No.4 before the Trial Court on 24.01.2024 is neither willful nor wanton.

3.2. The learned counsel for Appellant/Accused No.4 also submitted that Appellant/Accused No.4 has no previous criminal antecedents. Since the Appellant/Accused No.4 has been under the judicial custody since 21.10.2025, the family members of Appellant/Accused No.4 are financially struggling to eke out their livelihood. The Appellant/Accused No.4 is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel prayed that the impugned order passed by the Trial Court may be set



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aside and Appellant/Accused No.4 may be enlarged on bail.

4. The learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that Appellant is Accused No.4 in S.C.No.104 of 2019 pending on the file of Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore. As on date, there is no progress in the said case. Under these circumstances, if Appellant/Accused No.4 is enlarged on bail, Appellant/Accused No.4 would tamper the witnesses and the proceedings would be stalled. Therefore, the learned Government Advocate (Crl.Side) submitted that he has serious objection for granting bail to Appellant/Accused No.4.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. From a perusal of the records, it is seen that Appellant was arrayed as Accused No.4 in S.C.No.104 of 2019 pending on the file of Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore. When the said case was posted for hearing on 24.01.2024, Appellant/Accused No.4 did not appear before the Trial Court. Hence, the Trial Court has issued Non-Bailable Warrant to Appellant/Accused No.4, pursuant to which, Appellant/Accused No.4 was arrested and remanded to judicial custody on 21.10.2025. It is also seen that the bail application filed by the Appellant/Accused No.4 has also been dismissed by the Trial Court. Hence, this Criminal Appeal has been preferred by Appellant/Accused No.4.

7. Considering the above facts and circumstances and also the period of incarceration undergone by Appellant/Accused No.4 from the date of his arrest i.e., 21.10.2025, this Court is inclined to set aside the impugned order and allow this Criminal Appeal by granting bail to Appellant/Accused No.4.



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8. Accordingly, Order dated 10.11.2025 in CrI.M.P.No.1271 of 2025 in S.C.No.104 of 2019 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore is set aside and this Criminal Appeal is allowed. The Appellant/Accused No.4 is ordered to be released on bail subject to the condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore and on further conditions that:

(a) The sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(b) The Appellant/Accused No.4 shall report before the 2nd respondent Police on every Tuesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for



interrogation.

(c) The Appellant/Accused No.4 shall not abscond either during investigation or trial.

(d) The Appellant/Accused No.4 shall not tamper with evidence or witness either during investigation or trial.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against Appellant/Accused No.4, in accordance with law, as if the conditions have been imposed and Appellant/Accused No.4 released on bail by the learned Magistrate/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 Appellant/Accused No.4 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

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1.The Sessions Judge,
Special Court for Trial of Cases
under SC/ST (POA) Act,
Cuddalore.

2.The Deputy Superintendent of Police,
Main Road, Selvaraj Nagar,
Virudhachalam – 606 001.

3.The Station House Officer,
Kammapuram Police Station,
Cuddalore District.

4.The Superintendent,
Central Prison,
Cuddalore.

5.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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