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CRL A No. 765 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 765 of 2026

Viji
S/o.Madhan,
4/324, Keel Street,
Nammandahalli village and post,
Palacode Taluk,
Dharmapuri district.

..Appellant(s)

Vs

1. The Deputy Superintendent of Police,
Palacode,
Dharmapuri district.
2. The Inspector of Police,
Panjapalli Police station,
Dharmapuri district.
3. Rani
W/o.Karunagaran,
Pattabi Nagar,
Panjapalli Post,
Palacode taluk,
Dharmapuri district.

..Respondent(s)

PRAYER: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 27.05.2026 made in Crl.M.P.No.569 of 2026 on the file of the Vacation Session Judge, Dharmapuri by allowing this criminal appeal and enlarge the petitioner on bail, pending investigation in Crime No.38 of 2026 on the file of the respondent police.



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For Appellant(s): Mr.J.Pradeep
For Respondents-1 & 2: Mrs.Sharada Vivek
Government Advocate (Criminal Side)
For Respondent-3 : Ms.S.Valarmathi
Legal Aid Counsel

JUDGMENT

This Criminal Appeal has been filed seeking to set aside the order dated 27.05.2026 made in Crl.M.P.No.569 of 2026 on the file of the Vacation Session Judge, Dharmapuri and to enlarge the petitioner on bail.

2. The appellant, who is arrayed as A6 in Crime No.38 of 2026 registered for the offence under Section 103(1) of BNS r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, was arrested on 06.05.2026. Thereafter, he filed a bail application before the trial Court in Crl.M.P.No.569 of 2026. The learned Vacation Sessions Judge, Dharmapuri, by the order dated 27.05.2026, dismissed the same, against which, the present appeal is filed.

3. Earlier, when the case was listed for hearing on 29.06.2026, finding that the petitioner also facing charges under SC/ST Act cases, notice was ordered to the third respondent/victim/de facto complainant. After service of notice, on 01.07.2026, it was found that summons to the de facto complainant



was served and the de facto complainant made strong objection for granting bail to the appellant and further she requested to appoint a legal aid counsel to argue the case. In view of the same, this Court appointed Ms.S.Valarmathi as Legal Aid Counsel for the third respondent.

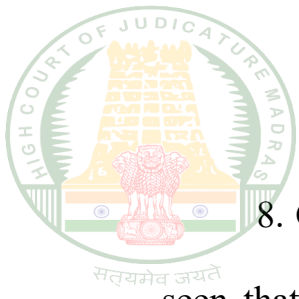
4. Today, the learned counsel for appellant, learned Government Advocate for first and second respondents and learned Legal Aid Counsel for third respondent are present.

5. The learned counsel for the appellant submitted that in this case, the deceased misbehaved with one Jayammal, which was questioned by the appellant and others, who were acquainted with the deceased. Thereafter, it was projected that deceased was taken to an isolated place, where he was questioned and assaulted. The overt act against the appellant is that, along with other accused, the appellant assaulted the deceased with hands and kicked him and no weapon was used by him. The admitted position is that the deceased in a drunken state, misbehaved with an elderly lady, who was sleeping outside her house. He further submitted that the appellant is in prison for more than two months and substantial portion of the investigation completed. The appellant has got no bad antecedents. Hence, prayed for granting bail to the appellant.



6. The learned Legal Aid Counsel appearing for the third respondent strongly opposed the appellant's contention stating that Jayammal is aged above 50 years. The deceased never misbehaved with Jayammal. The appellant and the deceased were friends, they had some differences of opinion. The deceased was initially taken in a bike, questioned and assaulted. Thereafter, again he was taken in a bike to an isolated rocky area, where the deceased was assaulted on his head and chest, with weapon. All the accused with common intention committed murder, thereafter they left the body and escaped. Initially, a case was registered as suspicious death, later on the arrest and confession of the accused, the case unravelled. The de facto complainant, the mother of the deceased, has got strong objection for granting bail to the appellant.

7. The learned Government Advocate submitted that initially, the case was registered for offence under Section 194(1) of BNSS, later, on suspicion, the accused were apprehended and on the confession of the accused, the case unravelled. In this case, six persons committed murder, the appellant is arrayed as A6. As regards this appellant, he used his hand and hit the deceased and also kicked him. The Post-mortem report confirms that the death is due to blunt injury on the head and chest. She further submitted that now in this case, investigation completed, charge sheet filed on 27.06.2026. Thereafter, deficiency memo served to the respondent police, who rectified and represented the same.



8. Considering the submission made and on perusal of the materials, it is seen that the petitioner not used any weapon. He used his hands to beat the deceased and also kicked him. It is also seen that in this case, the death was due to blunt injury on the head and chest. Further, in this case, now investigation completed and charge sheet filed. In view of the same, this Court is inclined to grant bail to the appellant.

9. Accordingly, the appellant is ordered to be released on bail subject to the following conditions;

(a) the appellant shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Dharmapuri;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellant is directed to appear before the trial Court on every Monday till the charge sheet is taken on file, thereafter on all hearing dates without fail;

(d) The appellant shall not give any inconvenience or trouble knowingly or unknowingly to the third respondent, failing which, the bail shall be cancelled without any further reference.

(e) the appellant shall not abscond either during investigation or trial;



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(f) the appellant shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant 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];

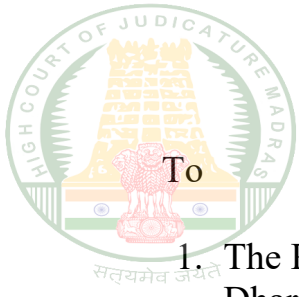
(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10. In view of the above, the impugned order dated 27.05.2026 made in Crl.M.P.No.569 of 2026 on the file of the Vacation Session Judge, Dharmapuri is set aside and the Criminal Appeal is, accordingly, allowed.

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

Note: Issue order copy on 07.07.2026



To

1. The Principal Sessions Judge,
Dharmapuri.
2. The Deputy Superintendent of Police,
Palacode,
Dharmapuri District.
3. The Inspector of Police,
Panjapalli Police station,
Dharmapuri district.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR J.

RSI

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