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Crl. A. No. 776 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. A. No. 776 of 2026

Deena

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Tiruvallur District.

2.State Rep., by
The Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.
(Crime No. 9 of 2026)

3.Nisha

... Respondents

Criminal Appeal filed under Section 14(A)(2) of SC/ST Act 1989, to set aside the order passed by the learned Principal District and Sessions Judge, Thiruvallur, Thiruvallur District in Crl.M.P.No.2167 of 2026 dated 12.06.2026 and enlarge the appellant on bail in Crime No.9 of 2026 pending on the file of the 2nd respondent.

For Petitioner : Mr. V. Manimaran

For Respondents : Ms. Sharada Vivek,

Government Advocate (Crl. Side) for R1 & R2



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J U D G M E N T

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This Criminal Appeal has been filed to set aside the order dated 12.06.2026 passed by the learned Principal District and Sessions Judge, Thiruvallur, Thiruvallur District in Crl. M.P. No. 2167 of 2026 and to enlarge the appellant on bail in connection with Crime No.9 of 2026, pending on the file of the 2nd respondent.

2. The petitioner was arrested on 23.05.2026 in Crime No. 9 of 2026, registered for the offences under Sections 69, 318(2) of the BNS r/w Section 3(1)(w)(i) and 3(2)(v) of the SC/ST Act. Thereafter, he filed a bail petition in Crl.M.P.No.2167 of 2026 before the Principal District and Sessions Judge, Thiruvallur. By order dated 12.06.2026, the Principal District and Sessions Judge dismissed the said petition. Aggrieved by the said order, the present appeal has been filed.

3. The learned counsel for the petitioner submitted that the petitioner and the victim, both being majors, were in a consensual relationship and were in love with each other. They were well aware of each others social status. The petitioner is running a bakery under the name “Ganesh Bakery”.



Owing to certain demands and the ensuing misunderstanding between them, a dispute arose, pursuant to which the present complaint came to be lodged.

It was further submitted that the victim, being an educated major, had knowingly entered into the relationship and that, at the instigation of her family members, she has now lodged a false complaint. The petitioner is ready to marry the victim, but it is her parents who are preventing the marriage. Hence, sought for bail.

3.1. The learned counsel further submitted that, even before the Special Court, the victim had expressed no objection to the grant of bail.

4. Pursuant to the notice issued by this Court, the victim and her father appeared before this Court on 07.07.2026 and strongly opposed the grant of bail and sought the appointment of a legal aid counsel. Accordingly, Mr.M.Ganesh was appointed as the legal aid counsel.

4.1. The learned legal aid counsel, after interacting with the victim and her father, submitted that the complaint and the FIR specifically disclose that, on 05.05.2026, the petitioner called the victim near the Anganwadi Centre, gave her a white coloured medicine, asked her to consume the same. After consuming it, victim developed severe stomach pain and after three



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days, was admitted to the Government General Hospital, Thiruvallur, on 11.05.2026. On examination, she was found to be pregnant for about four to five weeks. Since she was found to have conceived prior to marriage, the hospital informed the B2 Thiruvallur Taluk Police Station. The victim treated as inpatient and after her condition improved, her statement was recorded on 13.05.2026. Thereafter, the petitioner was summoned on 20.05.2026 and initially agreed to marry the victim but subsequently backed out of his promise to marry the victim. Consequently, FIR came to be registered. The petitioner was arrested on 23.05.2026.

4.2. The learned counsel for the victim submitted that, although the materials on record disclose a case for the offences under Sections 88 and 89 of the BNS, the FIR has not been registered for the said offences, nor has any investigation been carried out in that regard. He further submitted that the victim, having come out of the shock, has now joined college.

5. The learned Government Advocate submitted that since the case involves offences under the SC/ST Act, the Deputy Superintendent of Police, Uthukottai, has been nominated as the Investigating Officer and he is conducting the investigation, as of now, 18 witnesses examined and the



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statement of the victim under Section 164 Cr.P.C., recorded. Dr.Priyanka, attached to the Government Medical College Hospital, Thiruvallur, examined and she confirms victim admitted in the hospital with complaints of stomach pain on 11.05.2026 and took treatment. The relevant medical records collected, further submitted that, if the medical records confirm forcible miscarriage, the offences under Sections 88 and 89 of the BNS will be included, since the investigation is still in progress and at a crucial stage, grant of bail to the petitioner at this stage would adversely affect the investigation. Hence, learned Government Advocate strongly opposed the grant of bail.

6. Considering the submissions and upon perusal of the materials, this Court finds that that allegation of forcible miscarriage requires a thorough investigation. The investigation on that aspect is still in progress and the investigating agency is yet to collect the complete medical records and examine the remaining material witnesses, including the doctor. In view of the fact that the investigation is at a crucial stage, this Court is not inclined to entertain the present appeal. According, the Criminal Appeal stands dismissed.



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7. This Court records its appreciation to Mr. M. Ganesh, learned counsel appeared on behalf of the 3rd respondent / victim, who was appointed as the Legal Aid Counsel, in collecting the materials, throughly preparing the case and assisting the Court in this Criminal Appeal.

08.07.2026

Neutral Citation: Yes/No
AT

To

- 1.The Principal District and Sessions Judge, Thiruvallur,
Thiruvallur District.
- 2.The Deputy Superintendent of Police,
Tiruvallur District.
- 3.The Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

AT

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