



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 861 of 2026

Venkatesan
S/o. Munusamy,
Malaimettu Street,
Chetpet Taluk,
Tiruvannamalai District.

..Appellant/Accused

Vs

1. State rep by
The Deputy Superintendent of Police,
Cheyyar,
Tiruvannamalai District.
2. State Rep By,
The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
Crime No.77 of 2026
3. Mrs. Ponnammal
W/o. Muniyan,
Door No.390, Kulakarai Street,
Avanyapuram Village,
Chetpet Taluk,
Tiurvannamalai District.

..Respondent(s)

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order passed by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai in Crl.M.P.No.118 of 2026 dated 25.06.2026 and enlarge the appellant on bail in Crime No.77 of 2026, pending on the file of the Respondent Police.



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For Appellant(s):

Mr.S.R.Gulshankumar
for Mr.V.R.Appaswamee

For Respondents-1 & 2:

Mrs.Sharada Vivek
Government Advocate (Criminal Side)

For Respondent-3 :

Mr.J.Ganesh

JUDGMENT

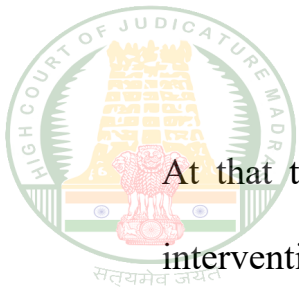
This Criminal Appeal has been filed seeking to set aside the order dated 25.06.2026 made in CrI.M.P.No.118 of 2026 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai and to enlarge the appellant on bail.

2. The appellant/Accused in Crime No.77 of 2026 was arrested by the respondent police on 07.06.2026 for the offence under Sections 296(b), 75(2) of BNS, 2023 r/w Section 3(1)(w)(i), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002. Thereafter, he filed a bail application before the trial Court in CrI.M.P.No.118 of 2026. The learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai, by the order dated 25.06.2026, dismissed the bail application, against which, the present appeal is filed.



3. The learned counsel for the appellant submitted that the case projected against the appellant is that on 04.06.2026, at night hours, the appellant pulled the de facto complainant's hand and attempted to outrage her modesty. He further submitted that there was a land dispute existed between the appellant and the de facto complainant, three months prior to the complaint. Taking advantage of the social status and her gender, the de facto complainant had given a false complaint. He further submitted that the appellant is in prison for more than 45 days. The appellant is aged about 56 years and the de facto complainant is about 65 years old. In such circumstances, there was no reason for the appellant to have made such an approach towards the de facto complainant and he has been falsely implicated in this case. Hence, prayed for granting bail to the appellant.

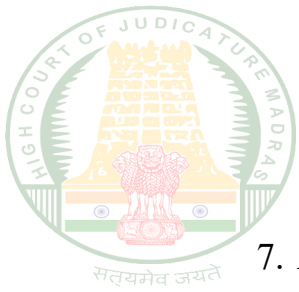
4. The learned Counsel appearing for the third respondent/de facto complainant strongly opposed the contention of the appellant, stating that the de facto complainant belongs to the SC-Arunthathiyar community and the appellant belongs to the Yadava community. Three years prior to the incident, de facto complainant's husband passed away. She had two children, both of them are married and living elsewhere. Taking advantage of her loneliness, the appellant used to follow her and pass comments. Prior to 04.06.2026, while the de facto complainant was working in the field, the appellant forcibly pulled her and attempted to outrage her modesty, which she refused and raised an alarm.



At that time, the appellant threatened the de facto complainant. Despite the intervention of village panchayat, the appellant could not be restrained. Fearing for her life, the de facto complainant is residing with her daughter at Vandavasi and is unable to return to her village.

5. The learned Government Advocate (criminal side) submitted that in this case, the appellant is aged about 56 years and the de facto complainant is 65 years old. Earlier there was some land dispute existed between them. On 04.06.2026, the appellant attempted to outrage the de facto complainant's modesty at late hours. She immediately informed to the villagers, namely, Balu, Anandhan and Shankar, later complaint lodged. She further submitted that now investigation in this case completed, charge sheet filed before the Special Court on 14.07.2026. She further submitted that the de facto complainant has not returned to her village and is presently residing with her daughter at Vandavasi due to fear for her safety.

6. Considering the submissions made and on perusal of the materials, it is seen that both the appellant and the de facto complainant belong to the same village and earlier there was some land dispute between them. Further, in this case, now investigation completed and charge sheet filed. Considering the age and the period of incarceration undergone by the appellant, this Court is inclined to grant bail to the appellant.



7. 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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai;

(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 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;

(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.

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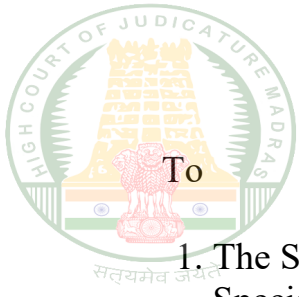
8. The second respondent is directed to ensure that adequate protection is provided to the third respondent/de facto complainant. The first respondent is directed to give confidence to the de facto complainant regarding her safety and security of her property and to ensure that she returns to her village and lives there with confidence and peace.

9. With the above directions, the impugned order dated 25.06.2026 made in Crl.M.P.No.118 of 2026 on the file of the Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvannamalai, is set aside and the Criminal Appeal is, accordingly, allowed.

21-07-2026

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

Note: Issue order copy on 21.07.2026



To

1. The Sessions Judge,
Special Court for Trial of Cases under
SC/ST (POA) Act, Tiruvannamalai.
2. The Deputy Superintendent of Police,
Cheyyar, Tiruvannamalai District.
3. The Inspector of Police,
Peranamallur Police Station,
Tiruvannamalai District.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

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