

**Crl.A.No.850 of 2026****M. NIRMAL KUMAR,J.**

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Today, this matter is listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that, in paragraph no.1 of the order dated 06.08.2026 in Crl.A.No.850 of 2026, “Section 3(1)(r) of SC/ST Act” needs to be inserted.

3. The learned Government Advocate (Crl. Side) appearing for the respondent police raises no objection and confirms the same.

4. This Court has verified the records and is convinced with the submissions made by the learned counsel for the petitioner.

5. In light of the above, the Registry is directed to carry out the necessary correction and substitute paragraph No.1 in the order dated 06.08.2026 passed in Crl.A.No.850 of 2026, as follows :

“ The appellant was arrested on the strength of NBW and remanded on 10.04.2026 in Spl.S.C.No.28 of 2019, in which he is facing trial for offences under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act. He filed a bail



application in Crl.M.P.No.395 of 2026, which was dismissed by the trial Court by order dated 20.05.2026. Aggrieved by the said order, the present appeal has been filed.”

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6. Except the same, all other aspects shall remain intact.

7. Registry is directed to issue a fresh order copies to the parties at the earliest.

14.08.2026

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Crl.A.No.850 of 2026

14.08.2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 850 of 2026

Rajendran
S/o. Veerappan,
North Street, P.R.Puram,
Nagapattinam District.

..Appellant(s)

Vs

1. State rep by
The Deputy Superintendent of Police
Kadambadi,
Nagapattinam.
2. The Inspector of Police
Keelaiyur Police Station,
Nagapattinam.
Crime No.77 of 2018.
3. R.Rajamanickam,
S/o. Pakirisami,
P.R.Puram, Keelaiyur(TK),
Seevathoor Post,
Nagapattinam.

..Respondent(s)

Prayer: Criminal Appeal filed under Section 14A of the of the Scheduled Castes and Scheduled Tribes Act, 1989, praying to set aside the impugned dismissal order in Crl.M.P.No.395 of 2026 dated 20.05.2026 in Special S.C.No.28 of 2019 passed by the learned District and Sessions Judge, (Vacation Court), Fast Track Mahalir Neethimandram, Nagapattinam and to enlarge the appellant on bail.



For Appellant(s): Mr.C.Samivel

For Respondents-1 & 2: Mr.Durai Gunasekaran
Government Advocate (Crl. Side)
Assisted by Mr.M.Arul Raj

For Respondent-3 : No appearance

Judgment

This Court, on 28.07.2026, had passed the following order:

“The appellant was arrested on the strength of NBW and remanded on 10.04.2026 in Spl.S.C.No.28 of 2019, in which he is facing trial for offences under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 IPC and Sections 3(1)(s), 3(2)(va) of SC/ST Act. He filed a bail application in Crl.M.P.No.395 of 2026, which was dismissed by the trial Court by order dated 20.05.2026. Aggrieved by the said order, the present appeal has been filed.

2. The learned counsel for the appellant contended that there were originally five accused in the case, out of which, A3 died. The case projected against the appellant is that, on 16.04.2018 at about 6.30 a.m., the appellant, along with the other accused, armed with a knife, stick and wooden log, came to the house of the defacto complainant, abused him in filthy language, calling him by his caste name and assaulted him. It is alleged that the appellant inflicted a cut injury on the head of the victim with a knife, while the other accused assaulted the victim with an iron rod and a wooden log, causing injuries. Thereafter, a complaint was lodged and the case is now pending trial.



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2.1. *The learned counsel for the appellant further submitted that the appellant was arrested during the investigation and was subsequently released on bail. Though the case pertains to the year 2018 and the charge sheet was filed in 2019, there has been no progress in the trial. The appellant had been regularly appearing before the trial Court. The appellant is a daily wage earner, he had gone out of station for employment and had instructed his counsel to file petition under Section 317 Cr.P.C., whenever he was unable to appear before the trial Court. On 18.01.2023, NBW was issued due to his non-appearance. Thereafter, he appeared before the trial Court and the NBW was recalled on 05.06.2023. Thereafter, the case was adjourned periodically without any progress. On 18.09.2025, the appellant suddenly fell ill and was unable to inform his counsel. Consequently, NBW was issued. The appellant was not informed about the issuance of the NBW and was also unaware of the next date of hearing.*

2.2. *This being so, on 10.04.2026, the appellant was arrested on the strength of the NBW issued on 09.04.2026. In this case, so far, trial has not commenced and the absence of the appellant has not stalled the progress of the trial in any manner. At this stage, the appellant's appearance is only formal one.*

3. *Notice was ordered to the defacto complainant / 3rd respondent in compliance with Section 15A(3) of the SC/ST Act. Though notice has been duly served and his name is printed in the cause list, there is no representation on his behalf.*



4. *The learned Government Advocate strongly opposed the appellant's contention and submitted that there were five accused in this case. The accused had been alternately absenting themselves before the trial Court, thereby delaying the progress of the trial. In the meantime, A3 died. The case is now posted for the examination of PW1, victim, on 05.08.2026. Though the occurrence is of the year 2018, the trial has not progressed for the past eight years due to the dilatory tactics adopted by the appellant and the other accused.*

5. *The learned counsel for the appellant, who is a Legal Aid counsel, submitted that he would instruct the counsel appearing before the trial Court to participate in the trial on 05.08.2026 and complete the cross-examination without seeking any adjournment.*

6. *Post the matter on 06.08.2026."*

2. In continuation and conjunction to the earlier order passed by this Court on 28.07.2026, today, the learned counsel for the appellant submitted that on 05.08.2026 (yesterday), PW1 cross-examined in full as regards the appellant and the case is now posted for further examination of witnesses, on 19.08.2026. In view of the same, this Court is inclined to grant bail to the appellant.

3. 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 Trial Court;

(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 alternate Monday and on all hearing dates without fail, till the completion of the trial;

(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.



4. With the above directions, the impugned order dated 20.05.2026 made in Crl.M.P.No.395 of 2026 on the file of the District and Sessions Judge, (Vacation Court), Fast Track Mahalir Neethimandram, Nagapattinam, is set aside and the Criminal Appeal is, accordingly, allowed.

06-08-2026

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

Note: Issue order copy on 06.08.2026



To

- 1.The District and Sessions Judge,
(Vacation Court), Fast Track Mahalir
Neethimandram, Nagapattinam.
- 2.The Deputy Superintendent of Police
Kadambadi,
Nagapattinam.
- 3.The Inspector of Police
Keelaiyur Police Station,
Nagapattinam.
- 4.The Superintendent of Prison,
District Prison at Nagapattinam.
- 5.The Public Prosecutor,
High Court, Madras.



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