

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 27-07-2026**

**CORAM**

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL A No. 838 of 2026**

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Manikandan  
S/o. Palanivel  
Appavu Street, Polur,  
Tiruvannamalai District.

.. Appellant

Vs

State, rep., by: -

1. The Deputy Superintendent of Police,  
Tiruppur District.
2. The Inspector of Police,  
South Police Station,  
Tiruppur District.  
(Crime No. 809 of 2025)
3. Thennarasu

..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 passed in Crl.M.P.No.349 of 2026, dated 27.05.2026 on the file of Court of Sessions, Magalir Needhi Mandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail.

For Appellant(s): Mr. P.M. Jayachandran

For Respondents-1 & 2: Mrs. Sharada Vivek  
Government Advocate (Criminal Side)

For Respondent-3 : Mrs. J. Madhumitha,  
Legal Aid Counsel



## **J U D G M E N T**

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This Criminal Appeal has been filed seeking to set aside the order dated 27.05.2026 made in Crl.M.P.No.349 of 2026 on the file of the Sessions Court, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur and to enlarge the appellant on bail.

2. The appellant / accused in Crime No.809 of 2025 was arrested by the respondent police on 17.12.2025 and thereafter filed a bail application in Crl.M.P.No.349 of 2026. By order dated 27.05.2026, the trial Court dismissed the said application. Aggrieved by the said order, the present appeal has been filed.

3. The contention of the appellant is that he was employed in baniyan company and that the victim was residing in the nearby locality. They developed a love relationship. On coming to know of their relationship, the victim's parents allegedly arranged her marriage with another person against her wishes. Consequently, the victim informed the appellant of the same and requested him to take her away, failing which she threatened to end her life. Left with no other option, the appellant accompanied the victim and both of them left for safety on 22.11.2025.

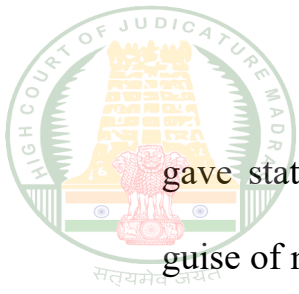


3.1. It is further contended that the victim's father lodged a girl-missing complaint on 23.11.2025. Thereafter, following the arrest of the appellant and securing of the victim, the case was altered to include the offences under Section 87 of BNS, Section 5(l) r/w 6 of POCSO Act and Section 3(1)(w)(v) r/w 3(2)(va) of SC/ST (POA) Act. The appellant has been in judicial custody from the date of his arrest. According to the appellant, the love affair has been magnified and projected as though he had committed penetrative sexual assault on a child belonging to the Scheduled Caste community.

3.2. It is further contended that the appellant was unaware of the victim's caste and that the victim had never disclosed the same to him. According to the appellant, they were deeply in love with each other and the registration of the present case has ruined his life and he is in prison.

4. The learned Government Advocate (Crl.Side) strongly opposed the appellant's contention and submitted that, knowing fully well that the victim was a minor, the appellant enticed her away from her parents, took her to various places and committed penetrative sexual assault on the false promise of marriage.

4.1. It was further submitted that, based on the complaint lodged by the victim's parents, a case was registered. After a frantic search, the victim was secured and the appellant was arrested. Thereafter, the victim was subjected to medical examination and was produced before the Magistrate, before whom she



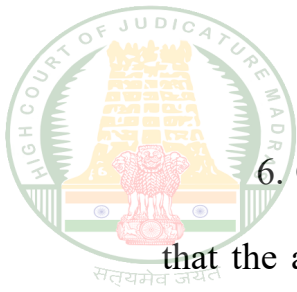
gave statement stating that the appellant had forcibly taken her away on the guise of marriage and committed penetrative sexual assault on her.

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4.2. The learned Government Advocate further submitted that, after collecting the medical records and the educational certificate of the victim, the investigation was completed and charge sheet filed, listing 22 witnesses. The case has been taken on file is Spl.S.C.No.40 of 2026 and is posted for trial on 14.08.2026.

5. The learned Legal Aid Counsel, appearing for the 3<sup>rd</sup> respondent, submitted that she had received instructions from the defacto complainant, the father of the victim. It was submitted that his daughter, aged about 15 years, had gone to school on 22.11.2025, but not return home thereafter. The defacto complainant made enquires with the school authorities and came to know that the victim had left the school at about 4.00 p.m., but not reached home. Consequently, a complaint was lodged. Initially, a girl-missing case was registered and later the victim was secured and the appellant was arrested.

5.1. The learned counsel further submitted that the defacto complainant's apprehension is that, if the appellant is enlarged on bail, he may threaten the victim and her family. Hence, she strongly opposed the grant of bail to the appellant.



6. Considering the submissions and on perusal of the materials, it is seen that the appellant and the victim were in a love relationship. The appellant is aged about 20 years, whereas the victim was aged about 15 years at the relevant point of time. Due to their relationship, they had eloped and the victim has been secured. It is further seen that the investigation completed, charge sheet filed and the case taken on file. In such circumstances, 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 Session Court, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur;

(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;



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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.

8. With the above directions, the impugned order dated 27.05.2026 made in Crl.M.P.No.349 of 2026 on the file of the Sessions Court, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur, is set aside and the Criminal Appeal is, accordingly, allowed.

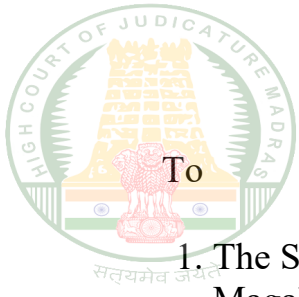
9. This Court also places on record its appreciation for the assistance rendered by the learned Legal Aid Counsel, who contacted the defacto complainant, obtained necessary instructions, collected the relevant materials and effectively placed the views and objections of the defacto complainant before this Court.

**27-07-2026**

Neutral Citation: Yes/No

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Note: Issue order copy on 27.07.2026



To

1. The Sessions Court,  
Magalir Needhi Mandram  
(Fast Track Mahila Court),  
Tiruppur.
2. The Deputy Superintendent of Police,  
Tiruppur District.
3. The Inspector of Police,  
South Police Station,  
Tiruppur District.
4. The Superintendent of Prison,  
Central Prison, Coimbatore.
5. The Public Prosecutor,  
High Court, Madras.



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**M.NIRMAL KUMAR, J.**

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