

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 836 of 2026

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Chandran
S/o. Ammasi,
No.2/22-1, Kankkan Thittu,
Omalur Taluk,
Salem District.

.. Appellant

Vs

1. The State of Tamil Nadu Represented by
The Deputy Superintendent of Police,
Omalur Sub Division,
Salem District.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.333 of 2026)
3. Sumathi
W/o. Palanisamy,
No.3/318, Karukkalvadi,
Omalur Taluk,
Salem 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, Salem, Salem District in Crl.M.P.No.239 of 2026 dated 25.06.2026 and enlarge the appellant on bail in Crime No.333 of 2026, pending on the file of the 2nd Respondent Police.



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For Appellant(s): Mr. E. Kannadasan
For Respondents-1 & 2: Mrs. Sharada Vivek
Government Advocate (Criminal Side)
For Respondent-3 : Mr. V. Nithyanandam

J U D G M E N T

This Criminal Appeal has been filed seeking to set aside the order dated 25.06.2026 made in Crl.M.P.No.239 of 2026 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Salem and to enlarge the appellant on bail.

2. The appellant / A4 was arrested in Crime No.333 of 2026 for offences under Sections 296(b), 115(2), 118(1), 74 and 303(2) of the BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act.

3. On 10.06.2026, the appellant filed a bail application before the Special Court in Crl.M.P.No.239 of 2026, which came to be dismissed on 25.06.2026. Aggrieved by the said dismissal, the present appeal has been filed.

4. The learned counsel for the appellant submitted that the dispute is purely civil in nature and given a criminal colour. According to he learned counsel, the real victim is one Vijayalakshmi, who belongs to MBC. Taking



advantage of the fact that her sister-in-law belongs to Scheduled Caste community, a false case has been projected as though the appellant restrained the construction of a compound wall, abused and assaulted her and when the defacto complainant intervened, she was also abused and assaulted. It is further alleged that another lady was assaulted, her nighty was torn and her gold chain went missing.

4.1. The learned counsel further submitted that the appellant is only an employee of Manoharan, the owner of the adjacent land and is the cause of the entire incident. Even from the FIR, it is seen that that the dispute is civil in nature. Prior to the occurrence, the Surveyor had surveyed the property and fixed the boundary stones. It is the specific contention of the appellant that the defacto complainant's sister-in-law had attempted to encroach the land belonging to Manoharan, and when the appellant questioned the same, he was falsely implicated in the case and he has been in judicial custody since 10.06.2026.

5. The learned counsel for the 3rd respondent strongly opposed the contentions of the appellant and submitted that the 3rd respondent belongs to the Scheduled Caste community and her sister-in-law, Vijayalakshmi belongs to MBC community. Vijayalakshmi is the owner of a parcel of land adjacent to the land owned by one Manoharan, a theatre owner. Earlier, there was some boundary dispute and the Surveyor inspected the property on 26.05.2026,



surveyed the land and fixed the boundary stones. Thereafter, on 09.06.2026, while the construction of the compound wall was in progress, the appellant, along with the sons and daughter of his employer, came to the spot, questioned Vijayalakshmi, abused and assaulted her. When the defacto complainant intervened, she was also abused and assaulted, her nighty was torn and her gold chain was snatched. During the occurrence, the accused allegedly abused the defacto complainant by uttering her caste name in a public place and within public view. Thereafter, the defacto complainant and Vijayalakshmi were taken to the Government Hospital for treatment. On receipt of the hospital intimation, the respondent police reached the hospital, recorded the complaint and registered the FIR.

5.1. It was further submitted that the investigation is still at the initial stage the other three accused are yet to be arrested and the stolen gold chain is yet to be recovered. Hence, the learned counsel strongly opposed the grant of bail to the appellant.

6. The learned Government Advocate submitted that Vijayalakshmi and one Manoharan are adjacent landowners and that a boundary dispute exists between them. Prior to the occurrence, the Surveyor visited the property, measured the land and fixed the boundary stones. Thereafter, when the construction of the compound wall was taken up, there was a dispute. The appellant being an employee of Manoharan, came to the spot, abused and



threatened the complainant. The other three accused are the sons of Manoharan's brother and his daughter.

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6.1. The learned Government Advocate further submitted that the investigation is still in progress, the co-accused are absconding and the stolen gold chain is yet to be recovered. Hence, he strongly opposed the grant of bail.

7. Considering the submissions and on perusal of the materials, it is seen that the entire dispute stems from the boundary dispute between Manoharan and Vijayalakshmi, the sister-in-law of the defacto complainant. At the time of construction of the compound wall, an objection was raised, during which Vijayalakshmi was allegedly assaulted by the appellant. When the defacto complainant intervened, she was also assaulted and abused. Both of them have taken treatment and discharged from the hospital. Even according to the complaint, A1 to A3 were only present at the scene and are alleged to have threatened the complainant and nothing more. Considering the nature of dispute and the period of incarceration undergone by the appellant, this Court is inclined to grant bail to the appellant.

8. 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 Special Court for Trial of Cases under SC/ST (POA) Act, Salem;

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(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 2nd respondent police daily at 10.30 a.m., until further orders;

(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.

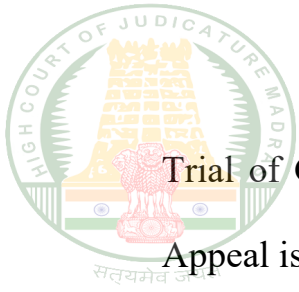
(e) The appellant shall not abscond either during investigation or trial;

(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.

9. With the above directions, the impugned order dated 25.06.2026 made in Crl.M.P.No.239 of 2026 on the file of the Sessions Judge, Special Court for



Trial of Cases under SC/ST (POA) Act, Salem, is set aside and the Criminal Appeal is, accordingly, allowed.

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27-07-2026

Neutral Citation: Yes/No
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Note: Issue order copy on 27.07.2026

To

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



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M.NIRMAL KUMAR, J.

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