



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL A Nos. 876 of 2026

1. Nithis Kumar

2. Vellaiyan @ Jaisankar

Appellant/Accused 1 & 2

Vs

1. The Deputy Superintendent of Police
Palacode, Dharmapuri District.

2. The Inspector of Police,
Panjapalli Police Station,
Panjapalli, Dharmapuri District.
Crime No.38 of 2026

3. Rani

Respondent(s)

PRAYER: Criminal Appeal filed under Section 14A of SC/ST (Prevention of Atrocities Act), to set aside the dismissal of bail order in Crl MP No.642 of 2026 on the file of Principal District Sessions Judge, Dharmapuri dated 15.06.2026 and release the Appellant on bail pending investigation in Crime No.38 of 2026 on the file of Inspector of Police, Panjapalli Police Station, Panjapalli, Dharmapuri.

For Appellants : Mr.K.Selvarangan

For Respondent(s): Ms.Sharada Vivek
Government Advocate (Crl.Side)
For R1 & R2
Ms.K.Meena, Legal Aid Counsel for R3

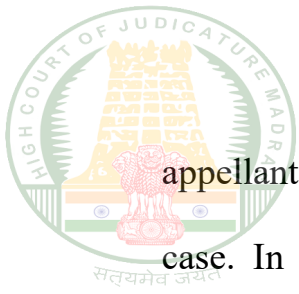


ORDER

This Criminal Appeal has been filed seeking to set aside the dismissal of bail order dated 15.06.2026 in CrI MP No.642 of 2026 on the file of Principal District Sessions Judge, Dharmapuri, and release the appellants on bail pending investigation in Crime No.38 of 2026 on the file of Inspector of Police, Panjapalli Police Station, Panjapalli, Dharmapuri.

2. The appellants, who is arrayed as A1 and A2 in Crime No.38 of 2026 registered for the offence under Section 103(1) of BNS r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, was arrested on 07.05.2026. Thereafter, he filed a bail application before the trial Court in CrI.M.P.No.642 of 2026. By order dated 15.06.2026, the learned Principal District Sessions Judge, Dharmapuri, dismissed the said bail application. Aggrieved by the same, the appellants have preferred the present appeal.

3. Earlier, when the case was listed for hearing on 23.07.2026, finding that the petitioner also facing charges under SC/ST Act cases, notice was ordered to the third respondent/victim/de facto complainant. After service of notice, it was found that summons to the de facto complainant was served and the de facto complainant made strong objection for granting bail to the



appellants and further she requested to appoint a legal aid counsel to argue the case. In view of the same, this Court appointed Ms.K.Meena as Legal Aid Counsel for the third respondent.

4. Today, the learned counsel for appellants, learned Government Advocate for first and second respondents and learned Legal Aid Counsel for third respondent are present.

5. The learned counsel for the appellants submitted that, in respect of the co-accused in the very same Crime No.38 of 2026, this Court vide order 07.07.2026 in Crl.A.No.765 of 2026, granted bail subject to certain conditions. Hence, the present appeal has been filed seeking similar relief.

6. The learned Legal Aid Counsel appearing for the third respondent strongly opposed the appellants' contention stating that Jayammal is aged above 50 years. The deceased never misbehaved with Jayammal. The appellants and the deceased were friends, they had some differences of opinion. The deceased was initially taken in a bike, questioned and assaulted. Thereafter, again he was taken in a bike to an isolated rocky area, where the deceased was assaulted on his head and chest, with weapon. All the accused with common intention committed murder, thereafter they left the body and escaped. Initially, a case



was registered as suspicious death, later on the arrest and confession of the accused, the case unravelled. The de facto complainant, the mother of the deceased, has got strong objection for granting bail to the appellants. She further submitted that the accused are granted bail, they would further threaten the family members of the deceased.

7. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that initially, the case was registered for offence under Section 194(1) of BNSS, later, on suspicion, the accused were apprehended and on the confession of the accused, the case unravelled. In this case, six persons committed murder, the appellants are arrayed as A1 and A2. As regards these appellants, they used their hands and hit the deceased and also kicked him. The Post-mortem report confirms that the death is due to blunt injury on the head and chest. She further submitted that now in this case, investigation completed, charge sheet filed and the same is taken on file in S.C.No.14 of 2026.

8. Considering the submission made and on perusal of the materials, it is seen that the appellants/petitioners not used any weapon. They used their hands to beat the deceased and also kicked him. It is also seen that in this case, the death was due to blunt injury on the head and chest. Further, in this case, now



investigation completed and charge sheet filed. In view of the same, this Court is inclined to grant bail to the appellants.

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9. Accordingly, the appellants are ordered to be released on bail subject to the following conditions;

(a) the appellants shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge (Special Judge for SC/ST Prevention of Atrocities) Act, Dharmapuri District, Dharmapuri;

(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 appellants are directed to appear before the trial Court on all hearing dates without fail;

(d) The appellants 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 to this Court.

(e) the appellants shall not abscond either during investigation or trial;

(f) the appellants 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



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against the appellants in accordance with law as if the conditions have been imposed and the appellants 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.

10. In view of the above, the impugned order dated 15.06.2026 made in Crl MP No.642 of 2026 on the file of Principal District Sessions Judge, Dharmapuri, is set aside and the Criminal Appeal is, accordingly, allowed.

11. This Court appreciates the efforts taken by Ms.K. Meena, the learned Legal Aid Counsel appointed by this Court for third respondent, for her meticulous review of the case records with all necessary particulars and details. The Legal Services Authority concerned is directed to pay the prescribed remuneration to her.

27-07-2026

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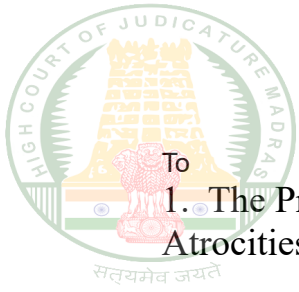
Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Note: Issue order copy today i.e., on 28.07.2026.



To

1. The Principal Sessions Judge (Special Judge for SC/ST Prevention of Atrocities) Act, Dharmapuri District, Dharmapuri.

2. The Central Prison, Salem.

3. The Deputy Superintendent of Police
Palacode, Dharmapuri District.

4. The Inspector of Police, Panjapalli Police Station,
Dharmapuri District.

5. The Public Prosecutor,
Madras High Court, Chennai.



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M.NIRMAL KUMAR J.
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