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CRL A. No. 982 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl. A. No. 982 of 2026

Kumar

.. Appellant

Vs

**1.The Deputy Superintendent of Police,
Office of District Superintendent of Police,
Villupuram, Villupuram District.**

**2.The State Rep., by its,
The Inspector of Police,
E5, Arakandanallur Police Station,
Villupuram District.
(Crime No. 240 of 2026)**

**3.Kalaibarathi
W/o. Sanju**

..Respondents

Criminal Appeal filed under Section 415(2) of BNSS r/w Section 14-A of SC/ST (POA) Act, 1989, praying to set aside the order dated 23.07.2026 in Crl.M.P.No.130 of 2026 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases Registered Under Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Act, Villupuram and consequently, enlarge the appellant on bail in Crime No.240 of 2026 pending investigation on the file of 1st respondent police and thus render justice.

For Appellant:

Mr. G. Saravanabhavan

For Respondents:

**Ms. Sharada Vivek,
Government Advocate (Crl.Side) for R1 & R2
No Appearance for R3**



J U D G M E N T

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This Criminal Appeal has been filed challenging the order dated 23.07.2026 passed in Crl.M.P.No.130 of 2026 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the SC/ST (POA) Act, Villupuram and consequently seeking to enlarge the appellant on bail in connection with Crime No.240 of 2026 on the file of the respondent police.

2. The appellant, who is accused as A3 in Crime No.240 of 2026, had filed a bail application before the Special Court in Crl.M.P.No.130 of 2026, the same came to be dismissed on 23.07.2026. Aggrieved by the said order, the present appeal has been filed.

3. The case of the prosecution is that the defacto complainant is residing at Chithamur Village. She got married three years before and having one year old baby and now four months pregnant. She is running a small petty shop in front of her house. On 22.06.2026, at about 4.20 p.m., one Anbu, belonging to Vanniyar community was fighting with Ajith for non-payment of loan. The defacto complainant intervened and asked both to leave the place at that time, the appellant and others used abusive words calling caste name and also attacked her husband. Despite the defacto complainant being pregnant and having an infant, she was also assaulted. Further, the defacto complainant's mother-in-law was assaulted, her saree was pulled and disrobed, thereby



outraging her modesty.

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4. The learned counsel for the appellant submitted that in this case, the appellant is A3. A1 and A2 filed a direction petition before this Court in Crl.O.P.No.18479 of 2026 and thereafter, filed bail applications before the Special Court in Crl.M.P.No.150 of 2026. They were granted bail on the same day of their surrender. A4 also filed a similar direction petition, which was ordered on 18.08.2026. The order copy is yet to be received and on receipt of the same, A4 will surrender and file a bail application before the Special Court.

4.1. As regards the appellant, the learned counsel submitted that he was arrested on 22.06.2026 and is in custody for nearly 60 days. The allegation against the appellant is that he slapped the husband of the defacto complainant.

5. The learned Government Advocate opposed the bail application and submitted that in this case, one Ajith, who was a loan defaulter, was questioned and was demanded to repay the loan amount. The incident happened in front of the defacto complainant's petty shop. The defacto complainant her husband and mother-in-law intervened, resulting in a wordy quarrel, at that time, threatened and abused by calling the caste name, her husband was assaulted and her mother-in-law was disrobed. As regards the appellant, he slapped the husband of the defacto complainant.

5.1. The learned Government Advocate fairly submitted that A1 and A2



had granted bail and A4 had obtained a direction order from this Court. She further submitted that, after his admission to the hospital, the appellant suffered from gastric problem and was admitted to the Mundiampakkam Government Medical College and Hospital on 09.08.2026 and was discharged on 12.08.2026.

6. The notice to the third respondent was served through the second respondent, who received the same. There was no representation for the third respondent when the matter was listed yesterday, hence, her name printed in cause list, Even today, there is no representation for the third respondent.

7. Considering the submissions and on perusal of the materials, it is seen that A1 and A2 have already been granted bail. The appellant earlier took treatment in the Government hospital. The allegation against the appellant is that he slapped the husband of the defacto complainant. The appellant is in custody for nearly 60 days. The investigation reached final stage.

8. In view of the above, this Court is inclined to grant bail to the appellant.

9. 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 Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupuram;

(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 respondent police as and when required for interrogation;

(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.

(d) the appellant shall not abscond either during investigation or trial;

(e) the appellant shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



9. In view of the above, the impugned order dated 23.07.2026 made in Crl.M.P.No.130 of 2026 on the file of the Sessions Judge, Special Court for Exculsive Trial of Cases Registered Under SC/ST (POA) Act, Villupuram, is set aside and the Criminal Appeal is, accordingly, allowed.

20-08-2026

Neutral Citation: Yes / No
AT

Note: Issue order copy on 21.08.2026

To

1.The Sessions Judge, Special Court for
Exculsive Trial of Cases Registered Under
SC/ST (POA) Act, Villupuram.

2.The Deputy Superintendent of Police,
Office of District Superintendent of Police,
Villupuram, Villupuram District.

3.The Inspector of Police,
E5, Arakandanallur Police Station,
Villupuram District.

4.The Superintendent, Central Prison, Cuddalore.

5.The Public Prosecutor,
High Court, Madras.



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CRL A. No. 982 of 2



M.NIRMAL KUMAR, J.

AT

Crl. A. No. 982 of 2026

20-08-2026