

CRL A(MD). No.707 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 07.07.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.707 of 2026

Ananda Jyothi Ashwini

... Appellant

Vs

1. The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tenkasi District.

2. Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.268 of 2026

3. Suriya Priya

4. Kaja Moghaideen @ Kaja

... Respondents

Prayer: Appeal filed under Section 413 of BNSS seeking to call for the records relating to impugned order in CrI.M.P.No.1491 of 2026 in CrI.M.P.No.1410 of 2026 passed by the learned Principal Sessions Judge, Tenkasi, Tenkasi District, dated 02.06.2026 and set aside the same as illegal and consequently direct the respondents 3 and 4 to be taken back into custody.



WEB COPY



CRL A(MD). No.707 of 2026

For Appellant : Mr.M.Velmurugan

For Respondents : Mrs.V.Moushica,
Government Advocate (Crl. Side)
for R1 and R2

Mr.J.Yogeswaran for R3 and R4

J U D G M E N T

The appellant is the defacto complainant in Crime No.268 of 2026, on the file of the second respondent police. The appellant lodged a complaint as against the respondents 3 and 4 before the second respondent police for the offence under Sections 296(b) & 351(2) BNS, Section 4 of Tamil Nadu Prohibition of Harassment of Woman (Amendment) Act, 2002 and Sections 3(1)(r) & 3(1)(s) of SC/ST (POA) Act. The respondents 3 and 4 were granted bail by the learned Principal Sessions Judge, Tenkasi in Crl.M.P.No.1410 of 2026 dated 08.05.2026. The appellant, aggrieved by the said order, that bail was granted without providing opportunity to him has proceeded under Section 15A of the SC/ST (POA) Act and filed an application to cancel the bail in Crl.M.P.No.1491 of 2026 and the same was dismissed by the learned Principal Sessions Judge, Tenkasi on 02.06.2026 Challenging the same, the appellant has filed this Criminal Appeal.



CRL A(MD). No.707 of 2026

2. The case of the prosecution is that the defacto complainant belongs to a Scheduled Caste Community and lodged the present complaint in Crime No.268 of 2026 alleging caste abuse, criminal intimidation, unlawful dispossession, and illegal occupation of the defacto complainant's restaurant.

3. The learned counsel appearing for the appellant submits that bail was granted by the learned Principal Sessions Judge, Tenkasi, without providing an opportunity to the appellant, as mandated under Section 15A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. By referring to the order dated 08.05.2026 granting bail, the learned counsel submits that the learned Principal Sessions Judge has recorded that the defacto complainant had been served with notice regarding the bail application and that he had neither appeared in person nor submitted any written objections. Consequently, the learned Sessions Judge, based on the materials placed on record, granted bail. According to the learned counsel, no notice was in fact served on the appellant and, therefore, the appellant was not afforded an effective opportunity of hearing.



CRL A(MD). No.707 of 2026

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondents 1 and 2 submits that notice was issued to the appellant.

However, the notice was returned with an endorsement indicating non-receipt by the addressee. Therefore, in compliance with the directions issued by this Court in Crl.O.P.(MD) No.8692 of 2026, the learned Principal Sessions Judge considered the bail application of respondents 3 and 4 on the date of their surrender, on the basis of the available materials, and granted bail.

5. The learned counsel appearing for respondents 3 and 4 submits that the complaint was lodged by the appellant only to harass the respondents 3 and 4 in connection with a civil dispute. According to the learned counsel, a civil suit in O.S.No.118 of 2026 is pending between the parties before the District Munsif Court, Tenkasi. It was further submitted that the allegation of the appellant is that respondents 3 and 4 dispossessed him from the business premises and that no physical injury had been caused to the appellant. According to the learned counsel, the provisions of the SC/ST (POA) Act have been misused only to coerce the respondents 3 and 4 into handing over possession of the property.

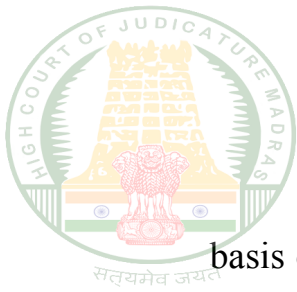


CRL A(MD). No.707 of 2026

6. This Court has considered the rival submissions made on either side and perused the materials available on record.

7. This appeal has been filed challenging the order passed by the learned Principal Sessions Judge, Tenkasi, in Crl.M.P.No.1491 of 2026 in Crl.M.P.No.1410 of 2026, dated 02.06.2026, dismissing the petition filed by the appellant. It is seen that respondents 3 and 4 had earlier approached this Court in Crl.O.P.(MD) No.8692 of 2026 seeking a direction to consider their bail application in Crime No.268 of 2026 on the date of their surrender. This Court, by order dated 29.04.2026, directed the learned Sessions Judge to consider and dispose of the bail application on the date of surrender, after providing advance hearing notice to the defacto complainant.

8. It is evident from the records that advance notice was issued to the appellant. However, the notice was returned with an endorsement indicating non-receipt by the addressee. In such circumstances, the learned Sessions Judge proceeded to consider the bail application on the



CRL A(MD). No.707 of 2026

basis of the available materials. While granting bail, the learned Sessions Judge has taken note of the existence of a civil dispute between the parties and the nature of the allegations, including that of criminal intimidation. The learned Sessions Judge has thus exercised his discretion in accordance with the directions issued by this Court.

9. In the facts and circumstances of the case, this Court is unable to find any perversity in the exercise of discretion by the learned Principal Sessions Judge warranting interference in the order granting bail.

10. In this context, it is relevant to refer to the decision of the Hon'ble Supreme Court in ***Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana [AIR 2021 SC 2011]***, wherein it has been held as under:

“24. The principles governing the grant of bail were reiterated by a two Judge Bench in Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] : (SCC p. 499, para 9)



WEB COPY



CRL A(MD). No.707 of 2026

“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*



WEB COPY



CRL A(MD). No.707 of 2026

Explicating the power of this Court to set aside an order granting bail, this Court held : (Prasanta Kumar Sarkar [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] , SCC p. 499, para 10)

“10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal.”

... ..

39. Judicial discretion in granting or refusing bail—as in the case of

any other discretion which is vested in a court as a judicial institution—is not unstructured. The duty to record reasons is a significant safeguard which ensures that the discretion which is entrusted to the court is exercised in a judicious manner. The recording of reasons in a judicial order ensures that the thought process underlying the order is subject to scrutiny and that it meets objective standards of reason and justice.”

11. The principles laid down by the Hon'ble Supreme Court make it clear that cancellation of bail cannot be ordered in a mechanical



CRL A(MD). No.707 of 2026

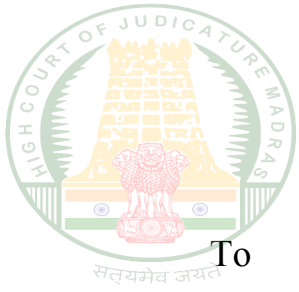
manner and that interference is warranted only where the order granting bail suffers from serious infirmity. In the present case, no such infirmity has been demonstrated by the appellant.

12. In view of the above discussion, the principles governing cancellation of bail as laid down by the Hon'ble Supreme Court, and having regard to the facts and circumstances of the present case, this Court finds no valid ground to interfere with the order passed by the learned Principal Sessions Judge, Tenkasi, granting bail to respondents 3 and 4.

13. Accordingly, this Criminal Appeal stands dismissed.

07.07.2026

mbi

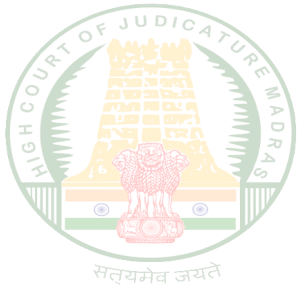


CRL A(MD). No.707 of 2026

To

WEB COPY

1. The Principal Sessions Judge,
Tenkasi.
2. The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tenkasi District.
3. Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL A(MD). No.707 of 2026

B.PUGALENDHI, J.

mbi

CRL A(MD) No.707 of 2026

07.07.2026