

CRL A(MD). No.778 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.07.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.778 of 2026

Duraisamy

... Appellant / A2

Vs

1. The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Thoothukudi Town,
North Police Station,
Thoothukudi District.
Crime No.420/2022

2.Muhesh Kannan

... Respondents

Prayer: Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989, as amended by Act 1/2016 to call for the records pertaining to the order passed in Crl.M.P.No.106 of 2026, dated 20.05.2026 in S.C.No.35 of 2022 on the file of the Special Court for SC/ST Act Cases, Thoothukudi and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



WEB COPY



CRL A(MD). No.778 of 2026

For Appellant : Mr.A.Mohamed Arif

For Respondents : Mrs.V.Moushica,
Government Advocate (Crl. Side)
for R1
No appearance for R2

JUDGMENT

The appellant is A2 in S.C.No.35 of 2022 on the file of the learned Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi. The above case was registered based on the complaint of the second respondent in Crime No.420 of 2022 and the first respondent police filed final report as against this appellant and four others for the offences under Sections 147, 114, 148, 341, 294(b), 302, 506(2), 120B, 34 IPC r/w and Section 3(2)(v) of SC/ST (POA) Act. Pending trial, this appellant failed to appear before the Trial Court on 08.01.2026 and therefore, NBW was issued and he was secured on 11.04.2026. He moved a bail petition before the Trial Court in Crl.M.P.No.106 of 2026 and the same was dismissed on 20.05.2026. Challenging the same, the appellant has filed this Criminal Appeal.

2. The learned counsel appearing for the appellant submits that the appellant was originally arrested and was released on bail on 25.04.2024.

2/7



CRL A(MD). No.778 of 2026

According to the learned counsel, the counsel who appeared for the appellant before the Trial Court failed to inform him of the hearing date and, consequently, the appellant failed to appear before the Trial Court on 08.01.2026. He submits that the appellant's failure to appear was neither wilful nor wanton. The appellant further undertakes to appear before the Trial Court regularly without any default. It is further submitted that the appellant was arrested on 11.04.2026 and has been in judicial custody for the past 97 days.

3. The learned Government Advocate appearing for the first respondent police submits that the major offence alleged against the appellant is under Section 302 IPC and due to the appellant's absence, the trial has remained stalled for some time. He further submits that, if the appellant is granted bail, there is every likelihood that he may not be available for the trial, thereby affecting its progress. Contending that the appellant had evaded the trial, the learned Government Advocate opposed this appeal.



CRL A(MD). No.778 of 2026

4. Since the case has been registered under the provisions of the SC/ST (POA) Act, this Court, by order dated 08.07.2026, directed issuance of notice to the second respondent. On that date, the learned counsel for the appellant submitted that the second respondent was not available in the station and, therefore, notice could not be served. Consequently, this Court directed the learned Government Advocate to ascertain the whereabouts of the second respondent/defacto complainant.

5. After verification, the learned Government Advocate submitted that the second respondent/defacto complainant was not available in the village.

6. Considering the fact that the appellant failed to appear before the Trial Court only on the hearing on 08.01.2026, that the second respondent/defacto complainant himself is not available, and that the appellant had earlier been released on bail, this Court is inclined to allow this criminal appeal, however, subject to stringent conditions.



CRL A(MD). No.778 of 2026

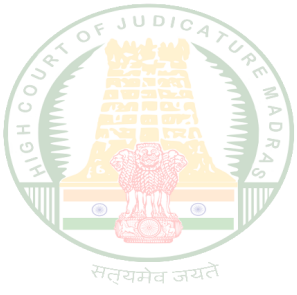
7. Accordingly, this Criminal Appeal is allowed and the order passed by the learned Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi in CrI.M.P.No.106 of 2026, dated 20.05.2026 is hereby set aside. The appellant is ordered to be released on bail on the following conditions:-

i) The appellant shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) only with two sureties each for a like sum to the satisfaction of the learned Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi. The sureties must be responsible persons.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The appellant and the sureties shall file an affidavit of undertaking before the respondent police ensuring that the appellant will regularly appear before the Trial Court on all hearing days and that the appellant will not involve in any offence in future.

iv) The appellant shall report before the learned Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, on all hearing



WEB COPY



CRL A(MD). No.778 of 2026

dates, at 10.30 a.m., without fail.

v) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

17.07.2026

mbi

To

1. The the learned Sessions Judge (FAC),
Special Court for Trial of Cases under SC/ST (POA) Act,
Thoothukudi.
2. The Deputy Superintendent of Police,
Thoothukudi Town,
North Police Station,
Thoothukudi District
3. The Superintendent of Prison,
Central Prison,
Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL A(MD). No.778 of 2026

B.PUGALENDHI, J.

mbi

CRL A(MD) No.778 of 2026

17.07.2026