



CRL A(MD). No.852 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.08.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.852 of 2026

Lingarasu

... Appellant

Vs

1. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Aruppukottai Sub-Division,
Virudhunagar District.

2. The State of Tamilnadu,
Rep by its, The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
(Crime No.107 of 2026)

3. Jeeva

... Respondents

Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989, as amended by Act 1/2016 seeking to call for the records relating to the order in Cr.M.P.No.165 of 2026 before the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur, dated 15.07.2026 and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.



CRL A(MD). No.852 of 2026

For Appellant : Mr.J.Yogeswaran

For Respondents : Mrs.V.Moushica,
Government Advocate (Crl. Side)
for R1 and R2
Mr.T.Villavankothai for R3

JUDGMENT

The appellant is A8 in Crime No.107 of 2026 on the file of the second respondent police. He was arrested on 09.05.2026 in connection with the above case for the offences under Sections 191(2), 191(3), 103(1) and 61(2) of BNS @ Sections 191(2), 191(3), 103(1) and 61(2) of BNS r/w Section 3(2)(va) of SC/ST (POA) Act. He moved a bail petition before the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur, in Crl.M.P.No.165 of 2026 and the same was dismissed by the trial Court on 15.07.2026. Challenging the same, the appellant has filed this Criminal Appeal.

2. The case of the prosecution is that on 07.05.2026, at about 08.11 a.m., the defacto complainant called his father over phone. Since his father did not pick up the phone, the defacto complainant went in search of him. While so, he found his father with a deep cut injury on his neck



CRL A(MD). No.852 of 2026

and lying dead in Kurandi Big Kanmai. At that time, he saw the accused persons running away from the place.

3. The learned counsel appearing for the appellant submits that the appellant has been arrested based on the confession statement of the co-accused. The investigation in Crime No.107 of 2026 has already been completed and, even according to the prosecution, the appellant is said to have informed A3 about the movement of the deceased on the date of occurrence. The appellant was not present at the scene of occurrence and he has not inflicted any injury on the deceased. According to the learned counsel, the appellant has been implicated as an accused since he has also been added as an accused in Crime No.80 of 2026 on the file of the second respondent police. The appellant has been in jail for the past 90 days and, therefore, he seeks bail.

4. The learned Government Advocate (Crl. Side) appearing for respondents 1 and 2 submits that the occurrence had taken place pursuant to the case registered in Crime No.80 of 2026 on the file of the second



CRL A(MD). No.852 of 2026

respondent police. The deceased had taken some photographs of A3 and published them in private channels. Aggrieved by the same, the present occurrence had taken place. She fairly submits that A3, A4, A6 and A9 caused the death of the deceased in the occurrence. The investigation revealed that this appellant was also present at the place of occurrence and the tower location collected by the Investigating Agency confirms the same. A3, in his confession statement, has informed that this appellant had only informed him about the movement of the deceased and, therefore, this appellant has been added as an accused. Therefore, according to the learned Government Advocate, there are materials available against this appellant and, hence, he may not be granted bail. She also submits that all the accused have been secured and the investigation has been completed. However, the final report is yet to be filed for want of the forensic report. Further, according to her, this appellant is involved in 12 previous cases and they are extracted as under:

"(i) Cr.No.136/2014, Aviyoore Police Station, U/s.12 TNG Act – Disposed.

(ii) Cr.No.28/2024, Aviyoore Police Station, U/s.294(b),



WEB COPY



CRL A(MD). No.852 of 2026

323, 506(1) IPC & TNPWH Act 4 – Pending Trial.

*(iii) Cr.No.84/2024, Aviyoor Police Station, U/s.294(b),
323, 506(1) IPC – Pending Trial.*

*(iv) Cr.No.70/2016, Aviyoor Police Station, U/s.147, 148,
294(b), 323, 506(2) IPC – Referred.*

*(v) Cr.No.107/2026, Aviyoor Police Station, U/s.3(2)(v)
SC/ST Act, 103(1), 191(2), 191(3), 61(2) BNS – Under
Investigation.*

*(vi) Cr.No.44/2017, Aviyoor Police Station, U/s.294(b),
324, 506(2) IPC – Disposed.*

*(vii) Cr.No.151/2017, Aviyoor Police Station, U/s.41(1)
(a) Cr.P.C. – Referred.*

*(viii) Cr.No.16/2015, Aviyoor Police Station, U/s.147,
294(b), 307, 323, 342 IPC – Disposed.*

*(ix) Cr.No.129/2019, Aviyoor Police Station, U/s.294(b)
IPC – Disposed.*

*(x) Cr.No.72/2010, Aviyoor Police Station, U/s.427,
506(1) IPC – Referred.*

*(xi) Cr.No.20/2015, Aviyoor Police Station, U/s.107
Cr.P.C. – Disposed.*

*(xii) Cr.No.62/2021, Aviyoor Police Station, U/s.294(b),
323, 354, 506(1) IPC & TNPWH Act 4 – Pending Trial."*



CRL A(MD). No.852 of 2026

5. The learned counsel appearing for the third respondent opposed the grant of bail and submits that this appellant is the main accused. He was an accused in Crime No.80 of 2026, which is the root case for the present incident. The deceased had taken some photographs showing A3 as a drug addict and uploaded on social media. Aggrieved by the same, the present occurrence had taken place. According to the learned counsel, A1 is an Ex-President of the Village and A2 is the son of A1, and A1 and A2 are using this appellant as a hooligan for the commission of the offence. Therefore, he strongly opposed the grant of bail to the appellant.

6. This Court considered the rival submissions made on either side.

7. The appellant/A8 was arrested on 09.05.2026 and has been in jail for the past 90 days. The investigation is almost completed. However, the final report has not been filed for want of the forensic report. From the investigation, the only material available against this appellant is the confession statement of A3 that this appellant informed him about the movement of the deceased. The Investigating Agency claims to have



CRL A(MD). No.852 of 2026

collected the tower location of the appellant. However, there are no details collected to show that this appellant made any phone call to A3 regarding the movement of the deceased. The materials relied upon by the Investigating Agency are matters for trial. This appellant has been in jail for the past 90 days. Considering the materials available in this case, this Court is inclined to allow this criminal appeal, however, with stringent conditions, in view of the antecedents of the appellant.

8. Accordingly, this Criminal Appeal is allowed and the order passed by the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur in Crl.M.P.No.165 of 2026, dated 15.07.2026 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, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur, out of which, one surety shall be a Government Servant.



CRL A(MD). No.852 of 2026

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 shall stay at Tiruppur District and report before the Inspector of Police, Tiruppur Central Police Station, daily at 10.30 a.m., until further orders.

iv) The appellant and the Government Surety shall file an affidavit of undertaking before the first respondent that the appellant would maintain discipline and he will not involve in any crime in future.

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

07.08.2026

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CRL A(MD). No.852 of 2026

To

1. The learned Sessions Judge,
Special Court for Trial of SC/ST (POA) Act Cases,
Virudhunagar at Srivilliputtur.
2. The Deputy Superintendent of Police,
Aruppukottai Sub-Division,
Virudhunagar District.
3. The Inspector of Police,
Aviyoor Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Officer-in-Charge,
District Jail, Virudhunagar.



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CRL A(MD). No.852 of 2026

B.PUGALENDHI, J.

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CRL A(MD) No.852 of 2026

07.08.2026