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CRL A(MD) NO. 978 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-08-2026

CORAM

THE HONOURABLE MR.JUSTICE S.KARTHIKEYAN

CRL A(MD) NO. 978 of 2026

Rakesh

Appellant(s)

Vs

1.The State of Tamil Nadu, Rep. By,
The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.266 of 2026)

3.Ramsanth

Respondent(s)

For Appellant(s):

Mr.R.Srinivasan

For Respondent(s):

Mr.G.Ganesh Kumar

Government Advocate (Crl. Side) for R-1 & R-2

Mr.J.M.Arvind Paulraj for R-3

Prayer:

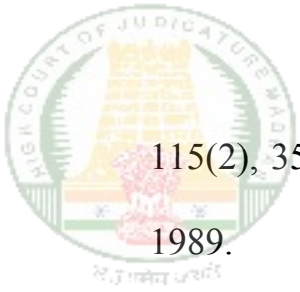
Criminal Appeal filed under Section 14A(2) of Scheduled Caste/Scheduled Tribes Act, 1989, as amended by Act 1 of 2016, to call for the records pertaining to the order dated 05.08.2026 in Crl.M.P.No.224 of 2026 on the file of Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai and to set aside the same and enlarge the appellant in Crime No.266 of 2026 on the file of the second respondent by allowing this Criminal Appeal.



JUDGMENT

The appellant, aggrieved by the order of dismissal of bail application by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, in CrI.M.P.No.224 of 2026 dated 05.08.2026, has come up with the present appeal.

2. The case of the prosecution is that the defacto complainant is a student studying in X standard at RC Higher Secondary School and he belongs to Scheduled Castes community. A1, who is a resident of Seerathangudi, offered chocolates to the students including the defacto complainant and insisted that they provide phone numbers of the girls residing in the Village and they ignored the same. Thereafter, on 23.07.2026, A1 took the other two students on his two wheeler to Keelapidavoor kanmai. On the same day, at about 6.30 pm., another student studying in the same school as the defacto complainant came to the place where the defacto complainant was present and took him to the said spot under the pretext of playing kabaddi. When the defacto complainant reached the spot, all the Accused brutally assaulted the other two students with wooden sticks. They also restrained and tied the defacto complainant and brutally attacked him. The defacto complainant suffered injuries on his head and the other victims sustained abrasions on their left hand and right wrist. They tied all the three victims and attempted to throw them into an abandoned well. However, one of the victims managed to escape from the Accused and fled from the spot. The Accused criminally intimidated them with dire consequences and therefore, a case in Crime No.266 of 2026 was registered for the offences punishable under Sections 296(b),



115(2), 351(2) of BNS and Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act, 1989.

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3. The learned counsel for the appellant submitted that this case was falsely foisted against the appellant. The appellant was also a student studying B.A. Tamil in Raja Doraisingam Government Arts College, Sivagangai. He is only a friend of A1 and therefore, he was falsely implicated in this case. According to the learned counsel for the appellant, without considering the above position, the Trial Court has declined bail. Hence, he has come up with the present appeal and prays for bail by setting aside the judgment of the Trial Court.

4. This Court has issued notice to the third respondent/defacto complainant. The defacto complainant appeared with his father before this Court and they were represented by a counsel.

5. The learned counsel for the third respondent/defacto complainant submitted that the defacto complainant has no objection to grant bail to the appellant as they have settled the matter amicably between themselves.

6. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the appellant and other Accused abused and attacked three victims, who are school going children, aged about 15 years. They suffered injuries at the hands of the appellant and other Co-Accused. Considering the above said facts, the Trial Court has declined to grant bail to the appellant. The



appellant is in custody for about 26 days and if he is released on bail, it will demoralize the victims. Therefore, the learned Government Advocate strongly

opposed to grant bail to the appellant.

7. This Court has given its thoughtful consideration to the rival submissions put forth on either side.

8. On careful perusal of records, it is found that the case in Crime No.266/2026 was registered by the second respondent Police for the offences punishable under Sections 296(b), 115(2), 351(2) of BNS and Sections 3(1)(r) and 3(1)(s) of the SC/ST (POA) Act on 24.07.2026. The appellant was secured on 24.07.2026 and he is in incarceration since then. From the submissions of the learned counsel for the appellant, it is found that the appellant is also a student studying B.A. Tamil in Raja Doraisingam Government Arts College, Sivagangai. There is no specific overt act against this Accused. The defacto complainant has also no objection to grant bail to this petitioner. Considering all the above circumstances, this Court is inclined to set aside the order passed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai in CrI.M.P.No.224 of 2026 dated 05.08.2026 and grant bail to the petitioner.

9. Accordingly, these Criminal Appeal is allowed and the order passed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai in CrI.M.P.No.224 of 2026 dated 05.08.2026, 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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii) The appellant shall report before the Inspector of Police, Elayangudi Police Station, Sivagangai District, daily at 7.00 p.m., until further orders.

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

19-08-2026

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To

1.The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

2.The Deputy Superintendent of Police, Sivagangai Sub Division, Sivagangai District.

3.The Inspector of Police, Elayangudi Police Station, Sivagangai District.

4.The Additional Public Prosecutor, Madurai Bench of Madras High Court.



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S.KARTHIKEYAN, J.

Lm

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