



Crl.A.No.362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.362 of 2025

Ganesh @ Nagarajan

... Appellant

Vs.

1. The State Rep. by
The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Mayiladuthurai.

2. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
(Crime No.334/2017)

3. Saminathan

... Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of the Schedule Case/Schedule Tribes (Prevention of Atrocities) Act, to set aside the order passed by the learned District and Sessions Judge/Special Court for SC/ST Act, Mayiladuthurai in Crl.M.P.No.219 of 2025 in SSC.No.268 of 2024 dated 01.03.2025 and enlarge the appellant/Accused on bail in connection with crime No.334 of 2017 on the file of the Inspector of Police, Manalmedu Police Station, Mayiladuthurai District.



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For Appellant : Mr.S.Arumugam
For Respondents : Mr.S.Rajakumar
For R1 & R2 : Mr.S.Rajakumar
Additional Public Prosecutor
For R3 : No appearance

JUDGMENT

This Criminal Appeal has been filed as against the order dated 01.03.2025 passed by the learned District and Sessions Judge/Special Court for SC/ST Act, Mayiladuthurai in Crl.M.P.No.219 of 2025 in Spl.S.C.No.268 of 2024, thereby dismissing the petition for bail.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. Though notice served and name is also printed in the cause list, no one has appeared on behalf of the third respondent either by person or through pleader.

3. The appellant is arrayed as second accused in Spl.S.C.No.268 of 2024. The case of the prosecution is that on 16.10.2017 at about 10.00 a.m., when the defacto complainant was grazing his cattle, when the cattle stepped into the vacant land of one



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Krishnamurthy @ Thillai Kattai, he scolded the defacto complainant and assaulted him. Thereafter on 17.10.2017, at about 10.00 am., the second accused viz., the appellant herein had taken the defacto complainant to his house and also abused him by using his caste name. On the said date, the other accused persons assaulted the defacto complainant with wooden log and therefore the defacto complaint sustained injury. After taking cognizance, while it was pending committal proceeding before the committal Court, the appellant failed to appear before the trial Court. Therefore, non-bailable warrant was issued as against the appellant on 19.07.2022 and the same was executed on 22.02.2025. Now the trial is pending before the learned District and Sessions Judge, Mayiladuthurai. Thereafter, the appellant filed an application for bail and the same was dismissed by an order dated 01.03.2025. Aggrieved by the same, the appellant filed the present appeal for bail.

4. The learned counsel appearing for the appellant would submit that due to unavoidable circumstances, the appellant could not appear before the committal Court and now he undertakes to appear before the trial Court on all hearing and to cooperate for trial.



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5. Considering the above facts and circumstances and also the period of incarceration undergone by the appellant from the date of his arrest i.e., from 22.02.2025, this Court is inclined to grant bail to the appellant. Accordingly, the Criminal Appeal stands allowed and the order dated 01.03.2025 passed by the learned District and Sessions Judge/Special Court for SC/ST Act, Mayiladuthurai, in Crl.M.P.No.219 of 2025 in Spl.S.C.No.268 of 2024 is hereby set aside. The appellant is ordered to be released on bail on his execution of a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned District and Sessions Judge/Special Court for SC/ST Act, Mayiladuthurai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the appellant shall report before the trial Court daily at 10.30 a.m., for the period of two weeks and thereafter on all hearing dates.

[c] the appellant shall not abscond either during investigation or trial.

[d] the appellant shall not tamper with evidence or witness either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.06.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

rts

To

1. The District and Sessions Judge/
Special Court for SC/ST Act,
Mayiladuthurai.

2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Mayiladuthurai.

3. The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.

4. The District Jail,
Nagapattinam.

5. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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