



WEB COPY

Crl.A.No.491



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 22.05.2025**

CORAM

**THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**Crl.A.No.491 of 2025**

Murugan

... appellant

Vs.

1. The State rep. by  
The Deputy Superintendent of Police,  
Palacode Division, Dharmapuri District.

2. The State rep. by  
The Inspector of Police,  
Panjapalli Police Station,  
Crime No.23 of 2025

3. M.Mageshwari

... Respondents

**Prayer:** Criminal Appeal is filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 and 483 of BNSS, 2023 to call for the records relating to the impugned order dated 08.05.2025 made in Crl.MP.No.530 of 2025 on the file of the learned Vacation Sessions Judge, Dharmapur and to set aside the same and consequently release the appellant on bail in connection with Crime No.23 of 2025, on the file of the respondent police.

For appellant : Mr.J.Bharathi Raja

For Respondent : Mr.S.Vinoth Kumar,



Government Advocate (Crl.Side)

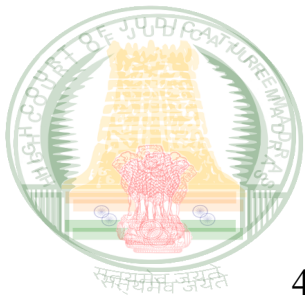
**ORDER**

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This Criminal Appeal has been filed to set aside the impugned order dated 08.05.2025 made in Crl.MP.No.530 of 2025 on the file of the learned Vacation Sessions Judge, Dharmapur and to set aside the same and consequently release the appellant on bail in connection with Crime No.23 of 2025, on the file of the respondent police.

2. The allegation against the appellant is that, while the defacto complainant was waiting in the Thottappan Garden at Thinnur, the appellant grabbed her hands and demanded sexual favours. Upon her refusal, the appellant allegedly abused her in filthy language and referred to her caste. The appellant had sought bail before the trial Court, which was dismissed. Hence, the present case.

3. The learned counsel appearing for the appellant submitted that the case is based on circumstantial evidence; that the appellant has been falsely implicated and considering the period of incarceration, appellant may be released on bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the appellant, reiterated the prosecution case and, on instructions, submitted that that the appellant has no bad antecedents.

5. Considering the nature of allegations, the fact that the appellant has no bad antecedents, and since further custody of the appellant is not required, this Court is inclined to grant bail to the appellant with certain conditions.

6. Accordingly, the appellant is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Vacation Sessions Judge, Dharmapuri**, 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 jurisdictional Judicial Magistrate from Monday to Friday at 10.30 a.m., and shall appear before**



**the respondent Police on Saturday and Sunday at 10.30 a.m., until further orders;**

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[c] The appellants shall not give any inconvenience or trouble knowingly or unknowingly to respondent, failing which, the bail shall be cancelled without any further reference.

[d] the appellants shall not commit any offences of similar nature;

[e] the appellants shall not abscond either during investigation or trial;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

[g] the appellants shall not tamper with evidence or witness either during investigation or trial;

[h] on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants 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]

[i] if the accused thereafter absconds, a fresh FIR can be registered under



Section 229A IPC.

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7. In view of the above, the impugned order dated 08.05.2025 made in Crl.MP.No.530 of 2025 on the file of the learned Vacation Sessions Judge, Dharmapuri, is set aside and the Criminal Appeal is allowed.

**22.05.2025**

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. Vacation Sessions Judge, Dharmapuri
2. The Deputy Superintendent of Police,  
Palacode Division, Dharmapuri District.
3. The Inspector of Police,  
Panjapalli Police Station,  
Crime No.23 of 2025



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**N.SENTHILKUMAR, J.**

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