



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1268 of 2025

1. VINOTH

S/o.Manickam, Perunaroor Village,
Aranthagi, Pudukkottai District.

Appellant(s)

Vs

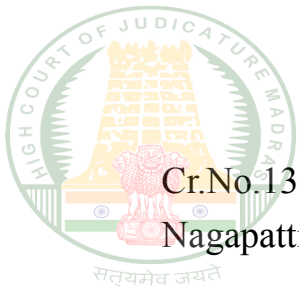
1. The State Rep by, The Deputy
Superintendent of Police,
Nagapattinam.

2.The Inspector of Police,
Velipalayam Police Station,
Nagapattinam. Cr.No.133/2025.

3.Balakrishnan
S/o.Marimuthu, Pattukkottai,
Nagapattinam District.

Respondent(s)

PRAYER: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the impugned dismissal order dated 28.05.2025 in Crl.M.P.No.455 of 2025 in



Cr.No.133/2025 passed by the Learned District and Sessions judge at Nagapattinam / Sessions Judge, Fast Track Mahila Court at Nagapattinam.

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For Appellant(s): Mr. C.Samivel
K.Anusuya
P.Vijay
A.Aarthi

For Respondent(s): Mr.V.Meganathan,
Government Advocate (Crl Side)
Ms.Nirmala for R3

ORDER

This Criminal Appeal has been filed challenging the dismissal of the bail application filed by the appellant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for the offences punishable under Sections 103 (1) of BNS and 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989 made in Cr.M.P.No.455 of 2025 dated 28.05.2025 by the learned District and Sessions Judge at Nagapattinam / Sessions Judge, Fast Track Mahila Court, Nagapattinam and enlarge the appellant on bail in Crime No.133 of 2025 on the file of the 2nd respondent police.

2.The allegation against the appellant is that the appellant along with the deceased consumed alcohol and there was a wordy quarrel between them and



the appellant threw the stones on the head. Due to the same, the deceased sustained injuries and he was admitted in the hospital and died. The appellant filed a bail application, which was dismissed by an order dated 28.05.2025 on the ground that the offence is grave in nature and the petitioner is accused of offence under Sections 103 (1) of BNS and 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989.

3.The learned counsel for appellant would submit that the alleged offences has been falsely implicated against the appellant. He is innocent and he had not committed any offence. He never intended to degrade him.

4.The learned Government Advocate (Crl.side) strongly opposed to grant bail to the appellant and submitted that the defacto complainant is the brother of the deceased. On the date of occurrence, the appellant threw stones on the head of his brother. Due to the same, the deceased sustained injuries and died in the hospital. Since he belongs to SC community, a case has been filed under Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989. He further submitted that the investigation is completed and final report has been filed.



5. When the matter came up for hearing, the defacto complainant Sathish

Kumar appeared before this Court along with his counsel. They submitted that

at the time of occurrence, the deceased was aged 28 years and unmarried. He died leaving behind his aged mother. and raised objections.

6. In the light of the above facts that the investigation is completed and final report has been filed, this Court is of the view that further detention of the appellants is not required for the purpose of investigation. Hence, the appellant can be released on bail on the following conditions :

(i) The appellant shall execute 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 learned District and Sessions Judge, Nagapattinam/Sessions Judge, Fast Track Mahla Court, Nagapattinam.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iii) the appellant shall appear before the respondent police on every Saturday at 10.30a.m. for a period of three months.

(iv) the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event



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of any threat, appropriate steps to be taken.

(v)the appellant shall not commit any offence of similar nature;

(vi)the appellant shall not abscond either during investigation or trial;

(vii)the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii)on breach of any of the aforesaid conditions, the learned 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]*;

(ix)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7.Accordingly, this Criminal Appeal is allowed setting aside the impugned order dated 28.05.2025 in CrI.M.P.No.455 of 2025 in Cr.No.133/2025 passed by the learned District and Sessions Judge at Nagapattinam / Sessions Judge, Fast Track Mahila Court, Nagapattinam.

8.Considering the fact that the deceased was aged about 28 years, unmarried, and has left behind his aged mother and she is a Coolie, this Court is inclined to refer the matter under the Victim Compensation Scheme.



Accordingly, the District Legal Services Authority of Nagapattinam is directed to refer the matter to the District Collector under the said Scheme. The District

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Collector is directed to provide a compensation of Rs.1,00,000/- each, to the mother and younger brother of the deceased, within a period of two weeks from the date of receipt of a copy of this Judgment.

17-09-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Copy to:

1. The District Legal Services Authority,
Nagapattinam.

2. The District and Sessions Judge, Nagapattinam /
Sessions Judge, Fast Track Mahila Court.
Nagapattinam.

3 The Deputy Superintendent of Police,
Nagapattinam.

4. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam.



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T.V.THAMILSELVI J.

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