



WEB COPY

CRL A No. 1904 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1904 of 2025

1. Manoharan

Appellant(s)

Vs

1. The State Rep. by
The Deputy Superintendent of Police
Thiruvarur Sub Division, Thiruvarur,
Thiruvarur District.

2.The Inspector of Police
All Women Police Station,
Thiruvarur, Thiruvarur District.
Cr.No. 35/2025.

3.Bhuvaneshwari

Respondent(s)

PRAYER

To set aside the order passed in Crl.M.P.No.73/2025 dt. 21.11.2025 on the file of the Special Court for Trial for the offence under Section SC/ST Act 1989, Thiruvarur and enlarge the appellant on bail pending investigation in Cr. No. 35/2025 on the file of the 2nd respondent.

For Appellant(s): T.Muruganantham

For R1 & R2: Mr.S.Balaji,
Government Advocate (Crl.Side)

For R3: Mr.W.Camyles Gandhi

ORDER



The present appeal has been filed challenging the dismissal of the appellant's bail application in Crl.M.P.No.73 of 2025 dated 21.11.2025 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvavarur.

2. The appellant was arrested on 27.09.2025 for the alleged offences under Sections 296(b), 318(2), 69 and 351(3) of BNS Act, read with Sections 3(1)(w)(i), 3(1)(a) and 3(2)(va) of the SC/ST (PoA) Act, in Crime No.35 of 2025 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvavarur.

3. The allegation against the appellant is that he had a love affair with the third respondent/ defacto complainant; that on the promise of marriage he had sexual intercourse with her on several occasions; and that when she requested him to marry her, he humiliated her on account of her caste, abused her in filthy language, and refused to marry her. Hence, the case.

4. The appellant filed a bail application before the Special Court, which came to be dismissed on 21.11.2025. Aggrieved by the said order, the present appeal has been preferred.

5. Mr.T.Muruganantham, learned counsel for the appellant, would submit



that, admittedly, it is a case of love affair; that the allegations do not attract the offences mentioned in the FIR; that the appellant has been in custody since 27.09.2025; and that the respondent/ police have already filed the final report on 27.11.2025 and hence, further custody of the appellant is not required for the purpose of investigation.

6. Mr.S.Balaji, learned Government Advocate (Crl.Side) confirms the fact that the final report has been filed on 27.11.2025 before the Trial Court.

7. Mr.W.Camyles Gandhi, learned counsel for the third respondent/ defacto complainant vehemently opposed the grant of bail, stating that the appellant had not only committed the act of cheating but had also humiliated the third respondent on account of her caste, and therefore the instant appeal is liable to be dismissed.

8. Admittedly, the appellant and the defacto complainant had a love affair and had consensual relationship from the year 2021. The appellant has been in custody since 27.09.2025, and the final report has been filed on 27.11.2025. In such circumstances, this Court is of the view that further custody of the appellant is not required for the purpose of investigation. Consequently, the impugned order dated 21.11.2025 in Crl.M.P.No.73 of 2025 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvavur, is set aside and this Court is inclined to



release the appellant on bail on the following conditions:-

(i) The appellant/accused is ordered to be released on bail, on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the learned Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvavur;

(ii) The appellant/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and

(iii) The appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

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18-12-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

Note: Issue order copy by 18.12.2025



To

1. The Deputy Superintendent of Police
Thiruvavarur Sub Division, Thiruvavarur,
Thiruvavarur District.
2. The inspector of Police
All Women Police Station,
Thiruvavarur, Thiruvavarur District.
3. The Public Prosecutor,
Madras High Court.
4. Special Court for the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, Thiruvavarur.
5. The Superintendent, District Prison, Thiruvavarur.



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SUNDER MOHAN J.
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