



Crl.A.(MD)No.447 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.447 of 2025

1. Magaraja @ Maharaja
2. Saravanan @ Saravanakumar ... Appellants

versus

1. State of Tamilnadu through
The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District.

2. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.

3. Mohanlal ... Respondents

Appeal filed under Section 14A(2) of SC/ST (POA) Amendment Act, 2015, seeking to call for records relating to the impugned order passed in Crl.M.P.No.817 of 2025 in Crime No.139 of 2025 dated 01.04.2025 on the file of the learned Principal Sessions Judge, Tenkasi District and set aside teh same as illegal and arbitrary and enlarge the appellants/accused No.2 and 3 in Crime No.139 of 2025 on the file of the respondent on bail by allowing the appeal.

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For Appellants : Mr.R.Muthuram
For R1 and R2 : Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl. Side)
For R3 : No appearance

JUDGMENT

The appellants/accused Nos.2 and 3 were arrested and remanded to judicial custody on 23.02.2025 in connection with the case in Crime No.139 of 2025 on the file of the 2nd respondent Police, for the offence under Sections 296(b), 324(4), 118(1), 351(3) of BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015. They filed a bail petition before the trial Court in Crl.M.P.No.817 of 2025 and the same was dismissed by the trial Court on 01.04.2025. Challenging the same, the appellants have filed this appeal.

2. The appellants herein are accused Nos.2 and 3. The case of the prosecution is that on 22.02.2025 in the afternoon, the 1st accused is said to have given his two-wheeler in the workshop run by the defacto complainant's brother. On 22.02.2025 at about 16.15 hrs., accused 1 to 4



went to the workshop and enquired about the two-wheeler. Since the two-wheeler was not made ready, there was a wordy quarrel between the accused persons and the employees in the workshop. At that time, the defacto complainant intervened and asked the accused persons to get back their bike, due to which, they abused the defacto complainant by using his caste name and assaulted him and also threatened him with dire consequences. Hence, the case.

3. The learned counsel appearing for the appellants submits that the appellants are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the defacto complainant has given this false complaint with ulterior motive. He further submits that the appellants are in jail from 23.02.2025. Therefore, he seeks to grant bail to the appellants.

4. The learned Government Advocate (Crl. Side) submits that that apart from the assault, the appellants have also damaged four bikes in the workshop run by the defacto complainant's brother. He further submits that apart from this case, the first appellant/A2 is also having five previous



cases. Therefore, he opposed to grant bail to the appellants.

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5. Considering the facts and circumstances of the case and also the period of incarceration and since the 1st appellant/A2 is having five previous cases, this Court is inclined to grant bail to the appellants with stringent conditions.

6. Accordingly, the Criminal Appeal is allowed and the order dated 01.04.2025 made in CrI.M.P.No.817 of 2025 on the file of the learned Principal Sessions Judge, Tenkasi District, is hereby set aside. The appellants are ordered to be released on bail

i) on the 1st appellant/A2 executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tenkasi District;

ii) on the 2nd appellant/A3 executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tenkasi District.

iii) The appellants and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the



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government in proof of their residence address;

iv) The 1st appellant/A2 shall file an undertaking affidavit before the respondent Police that he will not indulge in further offence in future. The sureties shall also file an undertaking affidavit before the respondent Police that the 1st appellant will not indulge in any further offence in future and he will not misuse the liberty granted to him.

v) The 1st appellant/A2 shall report before the respondent Police daily twice, i.e. morning at 10.30 a.m. and evening at 5.00 p.m. until further orders. The 2nd appellant/A3 shall report before the respondent Police daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

vi) The appellants shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses. They shall be available for the trial as well.

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

25.04.2025

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NCC : Yes / No.

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B.PUGALENDHI, J.

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To

1. The Principal Sessions Judge,
Tenkasi District.
2. The Deputy Superintendent of Police,
Puliyangudi Sub Division,
Tenkasi District.
3. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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