

CrI.A(MD)No.461 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.A(MD)No.461 of 2025

Devadoss Pandiyan

... Appellant

Vs

1.State of Tamil Nadu

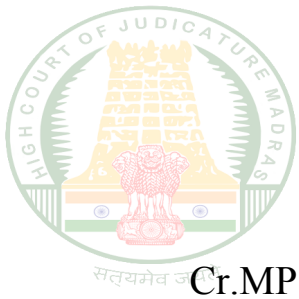
Represented by
The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
Pachamadai Police Station,
Tirunelveli District.
Crime No.63 of 2025.

3.Maharajan

... Respondents

PRAYER: Appeal filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records and set aside the impugned order passed in



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Cr.MP.No.144 of 2025, on the file of II Additional District Judge (PCR)(FAC), Tirunelveli, in Crime No.63 of 2025, on the file of the second respondent on bail, by allowing this Criminal Appeal.

For Appellant : Mr.C.Saravanakumar
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate
R3 : No appearance

J U D G M E N T

This appellant is A3 in Crime No.63 of 2025, on the file of the Pathamada Police Station, Tirunelveli District, registered for the offence under Sections 127(2), 296(b), 109(1), 351(3) of BNS, 2023 and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989, in pursuant to which, he was arrested on 04.03.2025. The application filed by this appellant along with A2, before the II Additional District Judge (PCR)(FAC), Tirunelveli, in CrI.MP.No.144 of 2025, for bail was dismissed by the trial Court, by its order, dated 05.04.2025. Challenging the same, the appellant has filed this Criminal Appeal in CrI.A(MD) No.461 of 2025 under Section 14A(2) of SC/ST(POA) Act.



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2. Since the case in Crime No.63 of 2025 was registered including the provisions under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989, this Court has ordered notice to the third respondent. Even though notice was served on the third respondent and his name was also printed, there is no representation for him.

3. Since there is no representation for the third respondent, even after service of notice, this Court is inclined to proceed with the available materials.

4. The case of the prosecution is that on 03.03.2025, due to previous enmity, the appellant and A2 have caught hold the defacto complainant, who is standing with his friend and A1 has attacked him with Aruval and caused injuries to him. They have also scolded the defacto complainant by his caste name. Therefore, on the complaint lodged by the third respondent/defacto complainant, a case in Crime No.63 of 2025 was registered.



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5.The learned counsel appearing for the appellant submits that there is no specific overt act as against this appellant. He further submits that even according to the prosecution, this appellant has caught hold the defacto complainant and he has not assaulted him. He also claims that this appellant is the student, studying ITI and he is languishing in jail from 04.03.2025.

6.The learned Government Advocate appearing for the official respondents submits that the victim has been discharged from the hospital, as on date.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.This appellant was arrested on 04.03.2025, pursuant to the registration of a case in Crime No.63 of 2025 and since then he is in jail. The learned counsel for the appellant claims that there is no



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specific overt act as against this appellant and he is a student. On the side of the respondent police, it is reported that the injured has been discharged from the hospital. It is to be noted that though notice served and name printed, there is no representation for the third respondent/defacto complainant.

9.Considering that this appellant is a student, he is in jail from 04.03.2025, the submission of the appellant's counsel that there is no specific overt act as against this appellant and also there is no representation for the third respondent, despite notice, this Court is inclined to allow this Criminal Appeal.

10. Accordingly, this Criminal Appeal is allowed and the order passed by the learned II Additional District Judge (PCR)(FAC), Tirunelveli, in Crl.MP.No.144 of 2025, dated 05.04.2025 is hereby set aside. The appellant is ordered to be released on bail on the following conditions:-



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i) The appellant shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned II Additional District Judge (PCR)(FAC), Tirunelveli.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The appellant shall stay at Tuticorin and report before the Inspector of Police, Tuticorin South Police Station daily at 10.30 a.m., until further orders.

iv) The appellant shall file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not involve in any offence in future.

v) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The appellant shall co-operate for the investigation.



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

29.04.2025

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To
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- 1.The II Additional District Court (PCR)(FAC), Tirunelveli.
2. The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Cheranmahadevi,
Tirunelveli District.
- 3.The Inspector of Police,
Pachamadai Police Station,
Tirunelveli District.
- 4.The Inspector of Polcie,
Tuticorin South Police Station,
Tuticorin.
- 5.The Superintendent,
Central Prison,
Palayamkottai.



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B.PUGALENDHI, J.,

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Judgment made in
Crl.A(MD)No.461 of 2025

29.04.2025