

Crl. A.(MD)No.677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 10.07.2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

Crl. A.(MD)No.677 of 2025

Manikandan

... Appellant/Petitioner/A1

Vs.

1.State of Tamilnadu

rep., by The Deputy Superintendent of Police,
Orathanadu Sub-Division,
Thanjavur City.

... 1st Respondent

2.State rep., by

The Inspector of Police,
Thiruvonam Police Station,
Thanjavur City.
Crime No.266 of 2024

... 2nd Respondent /Complainant

3.Thangaiya

... 3rd Respondent/ Defacto
complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act to set aside the order dated 10.06.2025 made in Cr.M.P.No.437 of 2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur District and enlarge the appellant on bail.

For Appellant : Mr.RL.Dhilipan Pandian

For R1 & R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)



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Crl. A.(MD)No.677 of 2025

For R3 : No appearance

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned I Additional District and Sessions Judge (PCR), Thanjavur District in Cr.M.P.No.437 of 2025 dated 10.06.2025.

2. The appellant is A1, who was arrested and remanded to judicial custody on 01.04.2025.

3. The case of the prosecution is that the defacto complainant belongs to Scheduled Caste and was working as a daily coolie in Kareem Flower Oil Mill in Ooranipuram. On 26.10.2024 at 11.30 pm., while he was parking his two wheeler to have food at Saranya Hotel, the appellant and another accused person came in a two-wheeler in a rash and negligent manner and dashed on the defacto complainant's two-wheeler. When the same was questioned by the defacto complainant, the appellant got angry and pushed him down, punched on his cheek, abused by uttering the caste name, beat him in his head with wooden log and uttered obscene words and also threatened him to kill. Hence, an FIR in Crime No.266 of 2024 was registered against



Crl. A.(MD)No.677 of 2025

the accused for the offence under Sections 296(b), 118(1), 118(2) and 351(3)

WEB COPY BNS and 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (POA) Act.

4. After the completion of investigation, charge sheet has been filed and the same was taken on file in SSC.No.6 of 2025. The appellant/first accused was found to be absconding until the charge sheet was filed. Consequently, the trial court issued a Non-Bailable Warrant (NBW) to secure him. After being apprehended, the appellant was remanded and taken into judicial custody on 01.04.2025 .

5. The learned counsel appearing for the appellant submitted that even at the first instance, the learned trial Judge has issued NBW against the appellant/first accused, whereas only summons were issued against the other accused/A2. It was submitted that the harsh measure of issuing a Non-Bailable Warrant was adopted, without affording the appellant any opportunity to appear before the Court. He further submitted that the appellant was not aware of the pendency of the case and that there was no deliberate or warranted act of absconding. Claiming innocence, the petitioner has prayed for release on bail, undertaking to comply with any conditions that may be imposed by the Court.



Crl. A.(MD)No.677 of 2025

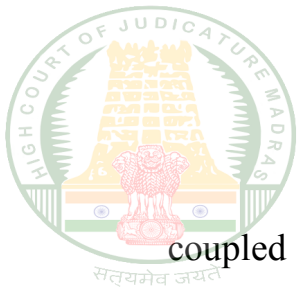
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6. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side)

appearing for the respondent State, objected the bail application by stating that the appellant has got criminal antecedents and there are 13 cases pending against him and if he is released on bail, the trial of the case would be affected.

7. It is seen from the counter filed by the respondent police that the appellant is a history sheeter, against whom, 13 cases are pending and he was absconding during the investigation of this case.

8. The appellant has totally 13 previous cases. The co-accused/A2, was enlarged on bail even during the investigation stage and continues to be on bail. It is submitted by the learned counsel for the appellant that out of the 13 cases, charge sheet has been filed in all the cases, but in a few cases, charge sheet has not been taken on file. It was further submitted that two cases were disposed of and four cases are pending for trial. The appellant is regularly appearing in the cases pending for trial, without any default and continues to enjoy bail in those cases. Considering the fact that the accused is appearing in all other pending cases and also considering that the co-accused has already been released on bail, and also by taking into account the undertaking given



Crl. A.(MD)No.677 of 2025

coupled with the nature of the allegations made against him in the present case, I feel that the appellant can also be extended with the same relief as granted to the co-accused. While the learned Trial Judge cannot be faulted for dismissing the bail application on the ground of the appellant's criminal antecedents, I am of the opinion that further consideration ought to have been given to the stage of the pending cases in order to appreciate the merits of the present bail application.

9. Accordingly, this Criminal Appeal is allowed by setting aside the order, dated 10.06.2025 in Crl.M.P.No.437 of 2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, District. The appellant is ordered to be released on bail on 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 I Additional District and Sessions Judge (PCR), Thanjavur District , and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant *appear and sign before the Inspector of Police, Thiruvonam Police Station, Thanjavur City, daily at 10.00 a.m., until further orders.*

[c]the appellant shall not tamper with evidence or witness



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Crl. A.(MD)No.677 of 2025

either during investigation or trial and he shall not involve in similar type of offences during the bail period.

[d]the appellant shall co-operate with the investigation.

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

10.07.2025

NCC : Yes/No

Index : Yes/No

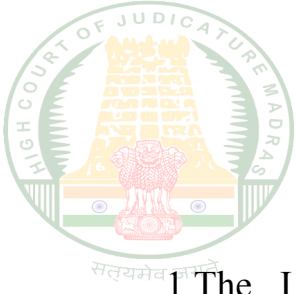
Internet : Yes/No

Rmk

NOTE :issue order copy on 15.07.2025

To

6 / 8



Crl. A.(MD)No.677 of 2025

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- 1.The I Additional District and Sessions Judge (PCR), Thanjavur, District.
- 2.The Deputy Superintendent of Police,
Orathanadu Sub-Division,
Thanjavur City.
- 3.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur City.
- 4.The Jail Superintendent,
District Jail, Thanjavur.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl. A.(MD)No.677 of 2025

R.N.MANJULA, J.

Rmk

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