



Crl. A.(MD)No.698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 17.07.2025

CORAM

THE HONOURABLE MR. JUSTICE R.N.MANJULA

Crl. A.(MD)No.698 of 2025

1.Giri
2.Sugumar

... Appellants/A4 and A5

Vs.

1.State of Tamilnadu
Rep. by The Deputy Superintendent of Police,
Dindigul Rural Division,
Dindigul District.
Crime No.183 of 2025

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.183 of 2025

3.Muniyappan

... Respondents

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (PoA) Act to set aside the order dated 18.06.2025 in Cr.M.P.No.181 of 2025 on the file of the learned Sessions Judge, Special Court for exclusive trial of Cases under SC/ST(POA) Act, Dindigul, Dindigul District and enlarge the appellants on bail.



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For Appellants : Mr.M.Dhinakar

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

For R3 : Mr.S.Rajasekar

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned Sessions Judge, Special Court for exclusive trial of Cases under SC/ST(POA) Act, Dindigul in Cr.M.P.No.181 of 2025 dated 18.06.2025.

2. The appellants are A4 and A5, who were arrested and remanded to judicial custody on 06.04.2025 for the alleged offences punishable under Sections 103(2), 126(2), 191(2) and 191(3) of BNS and Sections 3(1)(s), 3(2) (v) of SC/ST (PoA) Act, 1989 in Crime No.183 of 2025 on the file of Dindigul Taluk Police Station.

3. The appellants / A4 and A5 have filed bail application during the pendency of the investigation and the same was dismissed by the learned Special Judge. Aggrieved over that, the appellants have preferred this appeal.



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4. On notice, Mr.S.Rajasekar, learned counsel made his appearance on behalf of the defacto complainant / third respondent and submitted that that if the appellants are released on bail, they would try to tamper the witnesses by threatening them. As the appellants and defacto complainant reside in one and the same locality, that might create further tension.

5. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that due to the murder in the public, the Police has invoked Goondas Act and detention order has been issued by the District Collector on 04.05.2025 against A1 to A3 and A6. It is further submitted that the investigation has been completed and charge sheet has been filed.

6. Sofaras the appellants / A4 and A5 are concerned, there appears to be no detention order passed. On perusal of the First Information Report, it is seen that A5 and A6 attacked the deceased with sickle and A4 was standing along with other accused. There is no allegation against A4 that he has inflicted any injury on the deceased at the time of occurrence.



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7. At this juncture, Mr.M.Dhinakar, learned counsel for the appellants / A4 and A5 submitted that the appellants / A4 and A5 have so far co-operated for investigation; as against them there is no detention order passed under Goondas Act; they are ready to abide by any conditions to be imposed by this Court; and hence, they may be released on bail.

8. The contention of the learned counsel for the defacto complainant / third respondent is that if the appellants / A4 and A5 are released on bail, they would come to their village and tamper the witnesses.

9. As the investigation completed and charge sheet filed and Goondas Act has not been invoked against the appellants / A4 and A5, I feel, by taking into consideration of the incarceration already suffered by the petitioners, they may be released on bail on certain stringent conditions.

10. Accordingly, this Criminal Appeal is **allowed** by setting aside the order, dated 18.06.2025 in Crl.M.P.No.181 of 2025 on the file of the learned Sessions Judge, Special Court for exclusive trial of Cases under SC/ST(POA) Act, Dindigul. The appellants / A4 and A5 are ordered to be



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released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of Cases under SC/ST(POA) Act, Dindigul, 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 appellants shall stay at Thanjavur District and appear and sign before the Thanjavur South Police Station daily at 10.00 a.m., until further orders.

[c]the appellants shall not tamper with evidence or witness either during investigation or trial and they shall not involve in similar type of offences during the bail period.

[d]the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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]**.



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[f] If the accused thereafter absconds, a fresh FIR

can be registered under Section 229-A IPC.

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To

- 1.The Deputy Superintendent of Police,
Dindigul Rural Division,
Dindigul District.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
- 3.The Sessions Judge,
Special Court for exclusive trial
of Cases under SC/ST(POA) Act,
Dindigul
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.

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