

Crl. A.(MD)No.765 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 24.07.2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

Crl. A.(MD)No.765 of 2025

1. Balasubiramaniyan @ Subiramaniyan @ Suppirmani

2. Kavitha

3. Aravinth

... Appellants/A1-A3

Vs

1. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Aundipatti Sub Division,
Gandamanur Police Station,
Theni District.
In Crime No.44/2025.

2. The Sub Inspector of Police,
Gandamanur Police Station,
In Crime No.44/2025
Theni District..

3. Panchu

... Respondents

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (PoA) Act to set aside the order dated 08.07.2025 in Cr.M.P.No.155 of 2025 on the file of the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Theni and enlarge the appellants on bail.



Crl. A.(MD)No.765 of 2025

WEB COPY

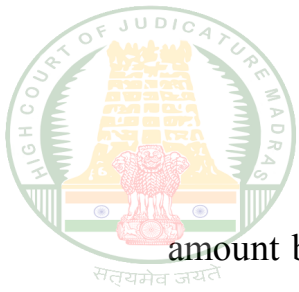
For Appellants : Mr. R.Maheswaran
For R1 & R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
For R3 : No appearance

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Theni in Cr.M.P.No.155 of 2025 dated 08.07.2025.

2. The appellants are A1 to A3, who were arrested and remanded to judicial custody on 08.07.2025.

3.The defacto complainant has given a complaint alleging that the accused persons are running Pawnbroker shop and the complainant's son along with the son of the president went to their Shop and pledged a golden jewel for Rs.15,000/- and in the following days he borrowed a sum of Rs. 10,000/- and Rs.20,000/-, totally a sum of Rs.45,000/- borrowed from the accused persons. The defacto complainant and her husband went to the house of the accused and requested them to give back the jewel by receiving the



Crl. A.(MD)No.765 of 2025

amount borrowed by their son. But the accused 1 to 3 picked up quarrel with them, abused the defacto complainant with filthy language by making caste remarks, assaulted and humiliated her. It is alleged that the harassment has caused shame and hence, a case has been registered on the complaint given by the defacto complainant.

4.The learned counsel for the appellants submitted that this is a case and case in counter; the defacto complainant and her husband were also accused in the complaint given by A1 in FIR No.45 of 2025 of Gandamanur Police Station and they have been released on bail on 29.03.2025; the appellants have also filed a petition before this Court seeking a direction to dispose of their bail petition on the same day of their surrender and the same was ordered by this Court; the appellants have also surrendered and filed bail application, but the same was dismissed by the trial Court.

5.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the substantial part of the investigation is over and charge sheet is going to be filed; the second respondent, who is the victim and injured has been discharged from the hospital and now there is no tension in the village.



Crl. A.(MD)No.765 of 2025

6.This Court has carefully considered the contentions made and also perused the materials available on record.

7.On notice, the defacto complainant made her appearance during previous hearing and stated that she was humiliated by the accused in front of the villagers and if released on bail, the accused will once again pickup quarrel with her, that will endanger their lives.

8.At this juncture, the learned counsel for the appellants submitted that the appellants can be released on stringent conditions and they will not come into contact with the defacto complainant/second respondent and her family members. Even if they happened to be in their village, they would appear before the Court as and when summoned/required.

9.Since the defacto complainant and her husband, who are accused in the counter case given by the first accused have been released on bail and this Court has also given direction to dispose the bail application once they surrendered and the substantial part of the investigation is already over, I feel the appellants can be released on bail on conditions.



Crl. A.(MD)No.765 of 2025

WEB COPY

10. Accordingly, this Criminal Appeal is allowed by setting aside the order, dated 08.07.2025 in Crl.M.P.No.155 of 2025 on the file of the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Theni. The appellants are ordered to be released on bail on them 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 trial of cases under SC/ST (PoA) Act, Theni***, 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 Trichy District and appear and sign before the Uppiliyapuram 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



WEB COPY



Crl. A.(MD)No.765 of 2025

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.

24.07.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

PNM

To

- 1.The Sessions Judge,
Special Court for trial of cases
under SC/ST (PoA) Act Cases, Theni
- 2.The Deputy Superintendent of Police,
Aundipatti Sub Division,
Gandamanur Police Station,
Theni District.
- 3.The Jail Superintendent,
District Jail, Theni
- 4.The Sub Inspector of Police,
Gandamanur Police Station,
In Crime No.44/2025
Theni District..
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Jail Superintendent, Women Prison, Nilakkottai



WEB COPY



Crl. A.(MD)No.765 of 2025

DR.R.N.MANJULA, J.

PNM

JUDGMENT IN
Crl.A.(MD)No.765 of 2025

24.07.2025