



Crl.A.(MD)No.769 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2025

CORAM :

THE HONOURABLE **DR. JUSTICE R.N.MANJULA**

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Siva Chidambaram

... Appellant / Accused

VS.

1.The Deputy Superintendent of Police,
Thiruvudaimarudhur,
Thanjavur District.

2.The Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur District.
Crime No.240 of 2025

... Respondents 1 and
2 /Complainants

3.Velumani

... 3rd Respondent/ Defacto
Complainant

Prayer : Criminal Appeal filed under Section 14 A(2) of Scheduled Caste/ Scheduled Tribes, to call for the records pertaining to the order dated 14.07.2025 in Crl.M.P.No.524 of 2025 on the file of the I Additional District and Sessions Judge (PCR), Thanjavur and to set aside the same and enlarge the appellant in connection with Crime No.240 of 2025 on the file of the second respondent police by allowing this criminal appeal.

For Appellant : Mr.R.Anand
for Mr.R.Ponkarthikeyan



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For Respondents 1 and 2

: Mr.K.Gnanasekaran

Government Advocate (crl.side)

JUDGMENT

This Criminal Appeal has been filed to set aside the order made in Crl.M.P.No.524 of 2025 dated 14.07.2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur and enlarge the appellant/Sole Accused on bail in Crime No.240 of 2025 on the file of the second respondent police.

2. According to the prosecution, the appellant is said to have committed the offences under Sections 296(b) and 105 of BNS r/w Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act @ to Section 296(b), 103(1) of BNS r/w 3(2)(v), 3(1)(r) and 3(1)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. The case of the prosecution in brief is as under :-

(i) The defacto complainant, Velumani, is the cousin of the deceased, Packiaraj, and both belonged to Hindu Adhi Dravidar Community. The deceased, Packiaraj, was residing and working in the shops situated at



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Nachiarkovil and he used to drink alcohol. After drinking, he starts little arguments with the passersby. When that being so, on 18.06.2025, at about 08.00 pm., the defacto complainant received a phone call from one Nandakumar, who informed him that his cousin, Packiaraj, in an intoxicated state was standing opposite to Chitra provisional stores, opposite to the auto stand at Nachiar kovil North Street and unfurling abusive and filthy language and the appellant, who was running Ganapathy Finance behind the Anna statue had abused the deceased and attacked him on his head using wooden rafter and that resulted in the death of Packiaraj.

(ii) Based on the complaint given by the third respondent, an FIR was registered, and the same is now under investigation. Therefore, the appellant has filed a petition for bail in Cr.M.P.No.524 of 2025, before the learned I Additional District and Sessions Judge (PCR), Thanjavur, and the same was dismissed on 14.07.2025. Challenging the same, the appellant has preferred this Criminal Appeal.

4. The learned counsel appearing for the appellant submits that the appellant has no prior criminal antecedents and had no motive against the deceased. It is further contended that, even if the prosecution's case is accepted at its face value, the appellant might have been provoked by the indecent behavior exhibited by the deceased in front of the appellant's shop.



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5. Even in the complaint, the complainant himself has stated that he received a phone call informing him that the deceased in an intoxicated state was standing opposite to a provisional store in a busy area and unfurling abusive and filthy language. Even if it is presumed that the appellant attacked the deceased, the circumstance reveals the act could not have been the outcome of on pre-mediation as alleged by the prosecution

6. The learned counsel for the appellant submitted that there were women staff members working in his finance company, the deceased was behaving indecently and the appellant only reprimanded the deceased to leave the place.

7. It is further submitted that except for the allegation that the deceased belonged to the SC/ST community, there is nothing in the complaint to suggest that the occurrence took place solely because the deceased belonged to a particular community or that the act was committed with the intention to insult or humiliate him on the basis of his caste.

8. The learned Government Advocate (Crl.side) appearing for the State would submit that if the appellant is ordered to be released on bail, stringent conditions may be imposed.



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9. The circumstances stated in the complaint and the manner in which the occurrence is said to have taken place reveal that the deceased conducted himself in an objectionable manner in public view, which had caused annoyance and threat to the people around. Although the investigation is still pending, releasing the appellant on bail will not prejudice the investigation. A major part of the investigation has already been completed. The accused is said to be having permanent residence. Considering the overall circumstances surrounding the occurrence, I feel that the appellant/sole accused can be released on bail with certain conditions:

10. Accordingly, this Criminal Appeal is allowed and the order dated 14.07.2025 passed in Cr.M.P.No.524 of 2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, is set aside. The appellant is ordered to be released on bail on his 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 , and on further conditions that:



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(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned I Additional District and Sessions Judge (PCR), Thanjavur, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall appear and sign before the Inspector of Police, Natchiyarkovil Police Station, daily at 10.30 a.m., until further orders.

(c) the appellant shall not tamper with evidence or witnesses, during investigation or trial.

(d) the appellant shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Sessions 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.

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Index : Yes/No

NCC : Yes/No.

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To

1. I Additional District and Sessions Judge (PCR), Thanjavur.
2. The Inspector of Police,
Keerathurai Police Station,
Madurai District. 1. The Deputy Superintendent of Police,
Thiruvudaimarudhur,
Thanjavur District.
3. The Inspector of Police,
Natchiyarkovil Police Station,
Thanjavur District.
4. The learned Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Superintendent,
District Jail, Padukkkottai.



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DR.R.N.MANJULA, J.,

Rmk

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