



Crl.A.(MD)No.812 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM :

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

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1.Ananth
2.Shanmugasundaram

... Appellants / Accused 1 & 2

VS.

1.State of Tamil Nadu through
The Deputy Superintendent of Police,
Illuppur, Pudukkottai District.

2.State of Tamil Nadu through
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
Crime No.271 of 2025

... Respondents 1 and
2 /Complainants

3.Vijayakumar

... 3rd Respondent/ Defacto
Complainant

Prayer : Criminal Appeal filed under Section 14 A(2) of Scheduled Caste/ Scheduled Tribes(POA) Amendment Act, 2015 to call for the records pertaining to the order dated 21.07.2025 in Crl.M.P.No.143 of 2025 on the file of the learned Special Sessions Judge for (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukkottai and enlarge the appellants in connection with Crime No.271 of 2025 on the file of the second respondent police by allowing this criminal appeal.



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For Appellants : Mr.K.Vignesh Kumar

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.143 of 2025 dated 21.07.2025 on the file of the learned Special Sessions Judge for (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukkottai and enlarge the appellants/Accused 1 and 2 on bail in Crime No.271 of 2025 on the file of the second respondent police.

2. According to the prosecution, the appellants are said to have committed the offences under Sections u/s 191(2) , 191(3), 296(b) ,118(1), 351(3) of BNS Act r/w 3(1)(r), 3(1)(1)(s), 3(2)(va) SC/ST POA Amendment 2015 and Section 3(1) PPD L Act.

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

(i) On 15.07.2025, the de-facto complainant, who belongs to the Scheduled Caste, received a call from his friend Bala stating that Bala's brother was attacked by the first accused. The defacto complainant and four others rushed to the spot. Later that night, around 11:30 p.m., they went to



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the house of the first accused and to enquire. It is alleged that the accused persons attacked them with sticks, used caste-based slurs, damaged their bikes, and criminally intimidated them. Based on the complaint, a case in Crime No.271 of 2025 was registered the petitioners were arrested and remanded to judicial custody.

(ii) The petitioners filed a bail application in Cr.MP No. 143 of 2025 and the same was dismissed by the learned Special Sessions Judge for (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukkottai. Challenging the said order, the appellants filed this appeal.

4. The learned counsel for the appellants submitted that as the villagers of the defacto complainant had questioned the unlawful assembly, a false case has been registered against the appellants and the dispute only involved a trespass into the village of the appellants in midnight and causing noise. Except making wild statements, there is no proof produced to support the contentions made in the complaint.

5. The learned Government Advocate (Crl.side) appearing for the State would submit that totally there are five accused and the appellants are 1 and 2 and if the appellants are ordered to be released on bail, stringent conditions should be imposed.



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6. I gave my anxious consideration to the submissions made on either side and carefully perused the materials available on record.

7. It is pertinent to note here that the house of the defacto complainant is located at 15kms away from the place of occurrence. It is alleged that the appellants and his companions entered the village and were attacked by the defacto complainant and 30 others with deadly weapons. Hence a counter case was registered by the secnd respondent in crime No.272 of 2025.

8. On considering the facts and circumstances of the case and on considering the fact that a counter has been registered against the defacto complainant, this Court is of the view that releasing the appellants on bail will not prejudice the investigation. A major part of the investigation has already been completed. The accused are said to be having permanent residence. Considering the overall circumstances surrounding the occurrence, I feel that the appellants/ accused 1 and 2 can be released on bail with certain conditions:

10. Accordingly, this Criminal Appeal is allowed and the order dated 21.07.2025 in Crl.M.P.No.143 of 2025 on the file of the learned Special



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Sessions Judge for (FAC), Special Court for Trial of SC/ST(POA) Act

Cases, Pudukkottai, is set aside. The appellants are ordered to be released on bail on his executing a separate 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 learned Special Sessions Judge for (FAC), Special Court for Trial of SC/ST(POA) Act Cases, Pudukkottai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Viralimalai Police Station, Pudukkottai District, may obtain a copy of their valid identity card to ensure their identity.

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

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

(d) the appellants 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 appellants released on bail by the learned Sessions Judge/Trial Court



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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.

CM

To

1.The Special Sessions Judge for (FAC),
Special Court for Trial of SC/ST(POA) Act Cases,
Pudukkottai

2.The Deputy Superintendent of Police,
Illuppur, Pudukkottai District.

3.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

4. The learned Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

5.The Superintendent,
District Prison, Pudukkkottai.



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DR.R.N.MANJULA, J.,

CM

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