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Crl.A.(MD)No.811 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 31.07.2025

CORAM:

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl.A.(MD)No.811 of 2025

1.Suresh
2.Kalyani @ Kalyanasundaram

... Appellant / A1 & A2

vs.

1.The State rep. by
The Deputy Superintendent of Police,
Samayanallur, Madurai District.

2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Cr.No.228 of 2025)

3.Vijayasundar

...Respondents

PRAYER : This Appeal has been filed under Section 14 A (2) of the SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 and Section 483 of BNSS to call for the records of the impugned order dated 22.07.2025 in Crl.M.P.No.174 of 2025 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, to set aside the same and consequently release the appellants on bail in connection with FIR in Crime No.228 of 2025, on the file of the second respondent Police.



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For Appellants : Mr.E.Satish Rajkumar

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Crl. Side)
for R1 and R2

Mr.M.Murugan for R3

J U D G E M E N T

This appeal has been filed challenging the order of the learned III Additional District and Sessions Judge (PCR), Madurai, dated 22.07.2025, in Crl.M.P.No.174 of 2025.

2. The appellants are A1 and A2. The impugned order has been passed by the learned Judge on the bail application filed by the appellants pending investigation.

3. On the complaint given by the defacto complainant, FIR has been registered for the offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act, 1989 against the appellants, three more named accused and five other unnamed accused.

4. As per the allegations on the complaint, the defacto complainant is doing business and he has put up a Genset motor on the sewage



channel. The appellants attempted to remove the Genset motor with the help of excavator and that was objected by the complainant. This resulted in a wordy altercation between the first appellant and the defacto complainant and the first appellant has called his relative through phone and later all the accused arrived and attacked the complainant.

5. The learned counsel for the appellants submitted that the appellants have got permanent residents and they will co-operate for the investigation. Hence, they may be enlarged on bail.

6. The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that the appellants have been secured only on 22.07.2025 and the investigation is in crucial stage; the respondent Police has filed an application under Section 167 (2) of Cr.P.C. seeking Police custody of A1 for enquiry; and if the appellants are released on bail at the initial stage of the investigation, they will abscond and that will hamper the investigation.

7. The learned counsel appearing for the third respondent / defacto complainant submitted that he adopts the objection made by the learned Government Advocate (Crl. Side).



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8. The learned III Additional District and Sessions Court (PCR), Madurai has observed that the defacto complainant who appeared before the Court on notice was seen to have bandage on his finger on the right hand and he is still taking treatment. It appears that the Court has also taken advantage of watching videographs which was submitted by the defacto complainant as material. Hence, it is for the respondent Police to investigate about the genuineness of the videographs if any submitted by the defacto complainant during their investigation and if the appellants / accused are released on bail even before such process is over, more particularly, when the petition seeking police custody of A1 is pending, that will no doubt affect the investigation process.

9. No doubt, the appellants surrendered on an order obtained in Crl.O.P.(MD)No.11474 of 2025 dated 08.07.2025. However, granting an order of bail would only depend upon the merits of the matter, especially the stage of the investigation and other circumstances. As the investigation has not been completed substantially and it is still in the initial stage and the respondent Police has also taken steps for custodial interrogation of A1, it may not be possible to release the appellants on bail now. The learned Judge has rightly appreciated the circumstances on the basis of seriousness of the matter and had chosen to dismiss the bail



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application. As I do not find any unreasonableness in the order of the learned Judge in dismissing the bail application by considering the various circumstances surrounding the case including the stage of the investigation, I would only confirm the order of the learned Judge.

10. It is open to the appellants to file a fresh bail application on any change of circumstances / after custodial interrogation of A1 is over and the substantial investigation is completed within the mandatory time limit.

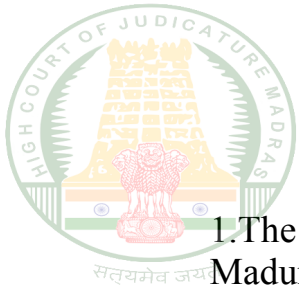
11. With these observations, this Criminal Appeal is dismissed. The order of the learned III Additional District and Sessions Judge (PCR), Madurai, dated 22.07.2025, in Crl.M.P.No.174 of 2025 is confirmed.

31.07.2025

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To

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1.The III Additional District and Sessions Judge (PCR),
Madurai.

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2.The Deputy Superintendent of Police,
Samayanallur, Madurai District.

3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

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



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Dr.R.N.MANJULA, J.

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