



Crl. A.(MD)No.846 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 28.08.2025

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THE HONOURABLE Dr.JUSTICE R.N.MANJULA

Crl. A.(MD)No.846 of 2025

Manikandan

... Appellant/Accused

Vs.

State of Tamilnadu Rep. by its
1.The Deputy Superintendent of Police,
Puliyangudi, Tenkasi District.

2.The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.125/2024)

3.Arasakumar

... Respondents

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act, 1989, as amended by Act 1 of 2016 to call for the records in Cr.M.P.No. 2034 of 2025, dated 29.07.2025, on the file of the learned Principal Sessions Judge, Tenkasi and set aside the same and enlarge the appellant / accused on bail in Crime No.125 of 2024 on the file of the second respondent Police.

For Appellant : Mr.Mohideen Basha

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

For R3 : No appearance



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JUDGEMENT

WEB COPY This Criminal Appeal is filed challenging the order passed by the learned Principal Sessions Judge, Tenkasi in Cr.M.P.No.2034 of 2025, dated 29.07.2025.

2. The appellant is accused against whom a case has been registered by the respondent Police in Crime No.125 of 2024 for the offences under Sections 341, 294(b) and 506(ii) IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 1989, on the basis of the complaint given by the third respondent / defacto complainant. The appellant / accused has been arrested and remanded to judicial custody on 03.06.2025. The bail application filed by the appellant / accused has been dismissed. Aggrieved over that, this appeal has been preferred.

3. Mr.K.Mohideen Basha, learned counsel appearing for the appellant submitted that the investigation in this case has been over and charge sheet has been filed; in fact, the appellant has already been enlarged on bail, but due to the subsequent FIR registered against him in Crime No.287 of 2025, the bail has been cancelled; the above case has been registered on the allegation that the appellant has threatened one of the witnesses namely



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Manisekar, who has been shown as LW10 in the charge sheet in this case; the appellant has been undergoing incarceration for nearly 501 days; LW10 has already given evidence in this case and hence the appellant / accused may be released on bail.

4. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that the appellant is a History Sheeter and against him 20 previous cases have been registered; if the appellant is released on bail, he would threaten the witnesses; the appellant is not co-operating for trial and at some point, he openly declared that he is unwilling to proceed with the case stating that he has got no trust on the Judge.

5. On earlier occasion, the defacto complainant appeared on notice and furnished his objection stating that if the appellant / accused is released on bail, he would threaten him as he had already given evidence in the case.

6. It is learnt that out of 16 witnesses, 10 witnesses have been examined and the remaining witnesses are only official witnesses. Even according to the defacto complainant, he has deposed evidence and he has been cross examined. His apprehension is that if the appellant is released on



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bail, he would threaten him and endanger his life.

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7. However, the learned counsel appearing for the appellant submitted that the appellant may be released on bail on stringent condition that he should sign in any of the Police Station outside the jurisdiction of the first respondent and he shall not go into the vicinity of the defacto complainant. He further submitted that the appellant would abide the conditions and extend his co-operation for the trial by making his appearance promptly during the hearing dates.

8. Though, it has been submitted by the learned Government Advocate (Criminal Side) that there are 20 previous cases registered against the appellant, from the remarks offered in the counter of the first respondent, it is seen that many of the cases have been either disposed or referred. There are some 7 cases pending trial and one is under investigation. The case which is under investigation is the case registered on the complaint given by LW10 of this case. It is also submitted that even in all those cases which are pending trial, the appellant has been released on bail and only in these two cases, he has not been given with any bail.



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9. It is seen that all the pending cases against the appellant is for abusing in filthy language and criminal intimidation, except one case registered in the year 2018 for rash and negligent driving and causing death of a person during road traffic accident. Invariably in all the cases which is said to be pending against the appellant, Section 294(b) IPC is seen to be present. So, the appellant does not seem to be a person who would endanger the life, but he is a person who is quarrelsome in nature. Considering the fact that he has been granted bail in other cases, except this case and other case in Crime No.287 of 2025 and the unconditional undertaking which is going to be given by the appellant that he would abide by the conditions now imposed and that he would participate in the trial proceedings without any default, I feel, the appellant can be enlarged on bail on stringent conditions.

10. Accordingly, this Criminal Appeal is **allowed** by setting aside the order, dated 29.07.2025 in Crl.M.P.No.2034 of 2025 on the file of the learned Principal Sessions Judge, Tenkasi. 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) each with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tenkasi, 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 Principal Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellants shall stay at Dindigul District and appear and sign before the Dindigul Town Police Station daily at 10.00 a.m., until further orders, except the days during which the case is posted for trial.

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

[d]the appellant shall co-operate with the investigation.

[e] the appellant shall not come into the vicinity of the defacto complainant except during trial proceedings and he shall not shout at the Court and behave in a manner which would undermine the dignity of the Court.

[f] the appellant shall file an undertaking affidavit to the learned Principal Sessions Judge, Tenkasi to the effect that he would abide by all the conditions imposed by this Court and participate in the trial proceedings without any default.

[g]On breach of any of the aforesaid conditions, the learned Special Sessions Judge/Trial 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 Special Sessions Judge/Trial



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Court himself as laid down by the Hon'ble Supreme Court in

P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

28.08.2025

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To

- 1.The Principal Sessions Judge,
Tenkasi,
- 2.The Deputy Superintendent of Police,
Puliyangudi, Tenkasi District.
- 3.Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
- 4.The Inspector of Police,
Dindugal Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Dr.R.N.MANJULA, J.

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