

Crl.A.(MD)No.848 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.08.2025

CORAM :

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

Crl.A.(MD)No.848 of 2025

Chinnaiyan ... Appellant/ Petitioner/ Sole Accused
vs.

1. State of Tamil Nadu represented by,
1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur Distric ... 1st Respondent/Investigation Officer

2. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
(Crime No.132 of 2025) ... 2nd Respondent/Complainant

3.Sasikumar ... 3rd Respondent/ Defacto
Complainant

Prayer : Criminal Appeal filed under Section 14 A(2) of Scheduled Caste/
Scheduled Tribes(POA) Act, 1989 as amended by Act 1 of 2016 to call for
the records of the learned I Additional District and Sessions Court (PCR),
Thanjavur in Cr.M.P.No.565 of 2025 dated 30.07.2025 and set aside and
enlarge the appellant/accused on bail in connection with Crime No.132 of
2025 on the file of the second respondent police.

For Appellant : Mr.R.Manickaraj
For Respondents 1 and 2 : Mr.K.Gnanasekaran
Government Advocate (crl.side)



Crl.A.(MD)No.848 of 2025

JUDGMENT

WEB COPY

This Criminal Appeal has been preferred to set aside the order made in Cr.M.P.No.565 of 2025 dated 30.07.2025 on the file of the learned Principal Sessions Judge, Tenkasi, wherein the court has passed an order rejecting the bail application filed by the appellant under Section 483 BNSS

2. The appellant has been charged for the offences under Sections 296(b), 351(2) of BNS, Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Act. A case has been registered against the petitioner on this account in Crime No.132 of 2025 on the file of the Thiruvonam Police Station. The occurrence is said to have been taken place on 25.05.2025.

3. The case of the prosecution is that the defacto complainant, namely, Sasikumar, who belonged to Scheduled Caste Community, went to Singapore for his work on 11.03.2024 through the appellant, for which the appellant received Rs.5,25,000/- on 10.03.2024 and within a month, the defacto complainant lost his job in the company, where he was arranged to work. The company itself has been closed. The defacto complainant returned to India on 30.10.2024 and thereafter, he approached the appellant to give back the money, but the accused did not give the money back. On 25.05.2025 at 4.00 pm, when the appellant went



Crl.A.(MD)No.848 of 2025

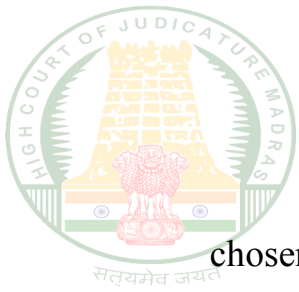
again to the house of the accused and demanded to pay back money and scolded him with filthy language by uttering the caste name and attempted to beat him and threatened to take away his life.

4. The learned Government Advocate (Crl.side) submitted that the investigation has been completed and charge sheet has been filed through e-filing and if the appellant is released on bail, he may try to threaten the witnesses.

5. The third respondent/defacto complainant appeared through his counsel. The learned counsel for the third respondent submitted that if the accused is released on bail, he will abscond and thereafter, it will not be feasible for the court to try the case.

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

7. The accused appears to have been arrested and he has been in the judicial custody for nearly 30 days. Now it seems that a charge sheet has been filed. So there is no question that the accused might interfere the course of investigation and tamper the witnesses. In fact, the trial court had



Crl.A.(MD)No.848 of 2025

chosen to dismiss the bail application filed by the appellant on the ground that releasing of the accused will cause disturbance to the on-going investigation.

8. Considering the overall circumstances surrounding the occurrence, I feel that the appellant/accused can be released on bail with certain conditions:

9. Accordingly, this Criminal Appeal is allowed and the order dated 30.07.2025 Cr.M.P.No.565 of 2025 on the file of the learned I Additional District and Sessions Court (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 Court (PCR), Thanjavur, and on further conditions that:

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



Crl.A.(MD)No.848 of 2025

(b) the appellant shall appear and sign before I Additional District and Sessions Court (PCR), Thanjavur 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 appellants 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.

22.08.2025

Index : Yes/No
NCC : Yes/No.
CM

To



Crl.A.(MD)No.848 of 2025

WEB COPY

1. The I Additional District and Sessions Court (PCR),

Thanjavur

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District

3. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
(Crime No.132 of 2025)

4. The Superintendent,
Sub Jail, Karur

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



WEB COPY



Crl.A.(MD)No.848 of 2025

Dr.R.N.MANJULA, J.,

CM

Crl.A.(MD)No.848 of 2025

22.08.2025