



Crl. A.(MD)No.871 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 19.08.2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

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Sakthivel

... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by the Deputy Superintendent of Police,
Pattukottai, Thanjavur District.

2.The State of Tamilnadu,
rep., by Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
Crime No.238 of 2025

... Respondents/ Complainants

3.Veerasundari

... 3rd Respondent/ Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act to call for the records relating to the order of dismissal of bail application dated 05.08.2025 made in Crl.M.P.No.597 of 2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, and to set aside the same and enlarge the appellant on bail in connection with the crime No.238 of 2025 on the file of the respondent police by allowing the criminal appeal.

For Appellant : Mr.B.Anandan



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

For R3 : No appearance

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned I Additional District and Sessions Judge (PCR), Thanjavur, in Crl.M.P.No.597 of 2025, dated 05.08.2025.

2. The appellant is the sole accused, who was arrested and remanded to judicial custody on 28.07.2025.

3. The case of the prosecution is that the defacto complainant, Veerasundari, belonged to Scheduled Caste and Scheduled Tribes Community and was doing Sanitary work in Municipal Panchayat and her husband was working as an Electrician at Coimbatore. They have two daughters and a son. On 21.07.2025 at about 12.00 pm., when the defacto complainant was sleeping inside her house, the accused trespassed into her house, pulled her hands and hugged her. When the defacto complainant shouted, the accused had beaten her. Thereafter, the defacto complainant pushed him away, raised noise and



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put him inside the house and closed the door and ran outside. When the defacto complainant told the village persons about the occurrence, the accused opened the door from inside the house and ran out. Based on the complaint given by the defacto complainant, an FIR in Crime No.238 of 2025 has been registered against the accused for the offenses under Sections 329(4) and 74 BNS, 2023, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1)(w)(i) of SC/ST (POA) Amendment Act, 2015.

4. The learned counsel appearing for the appellant submitted that there is no communal clash and that the respondent police without conducting a proper investigation, filed this case against the petitioner. The petitioner was not involved in any of the offences as alleged by the prosecution. However, the learned trial Judge failed to consider the grounds raised by the appellant properly and dismissed the bail application. Claiming innocence, the petitioner has prayed for release on bail, undertaking to comply with any conditions that may be imposed by the Court.

5. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for the respondent State, has filed a counter affidavit stating that in this case, investigation has been completed and charge sheet has also been



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filed on 02.08.2025 through e-filing before the trial Court. The act of the appellant is serious in nature and the same was witnessed by five persons. So far, twelve witnesses were enquired. He further submitted that there was no previous case against the appellant and if the appellant is ordered to be released on bail, stringent conditions may be imposed.

6. Considering the above facts and circumstances and also considering that there was no previous case against the appellant, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 05.08.2025 passed in Cr.M.P.No.597 of 2025 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur.

7. Accordingly, this Criminal Appeal is allowed and the order dated 05.08.2025 passed in Cr.M.P.No.597 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 learned I Additional District and Sessions Judge (PCR), Thanjavur, daily at 10.30 am., 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 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 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]**.



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(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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NCC : Yes/No

Index : Yes/No

Rmk

NOTE :issue order copy on 20.08.2025

To

1.I Additional District and Sessions Judge (PCR), Thanjavur District.

2.The Deputy Superintendent of Police,
Pattukottai, Thanjavur District.

3.The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.

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



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R.N.MANJULA, J.

Rmk

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