

Crl. A.(MD)No.887 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 28.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

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Arumugam

... Appellant/A1

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukkottai District.
(Crime No.133/2025)

2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
(Crime No.133/2025)

3.Manimuthu

4.Nagarajan

... Respondents

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (PoA) Act, 2015, as amended by Act 1 of 2016 to call for the records pertaining to the order passed in Cr.M.P.No.155 of 2025 on the file of the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST Act cases, Pudukkottai, dated 11.08.2025 and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



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For Appellant : Mr.K.Sivabalan
For R1 & R2 : Mr.K.Gnanasekaran
Government Advocate (Criminal Side)
For R3 & R4 : Mr.K.Ilaiyaraja

JUDGMENT

This Criminal Appeal is filed challenging the order passed by the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST Act cases, Pudukkottai in Cr.M.P.No.155 of 2025 dated 11.08.2025.

2. The appellant is A1 against whom a case has been registered by the respondent Police in Crime No.133 of 2025 for the offences under Sections 126(2), 296(b), 115(2), 351(2) of BNS r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989. The appellant / A1 has been arrested and remanded to judicial custody on 01.08.2025.

3. Mr.K.Sivabalan, learned counsel appearing for the appellant submitted that the co-accused A2 has already been released on bail, but the learned trial Judge had disallowed the bail for this petitioner for the reason that investigation is still pending and for the reason that the offences are serious in nature.



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4. On perusal of the Judgement, it is seen that bail has been granted for A2 as there is no specific objection made by the prosecution side. When the investigation is pending in one case and if that was the reason for disallowing the bail application for one accused, that would equally be so for rejecting the bail for the other accused also. However, the learned trial Judge appears to have taken a different stand while considering the prayer for bail made by the second accused.

5. Despite notice has been served on the respondents 3 and 4, they did not make their appearance. Mr.K.Ilaiyaraja, learned counsel submitted that he has not filed any vakalat for the respondents 3 and 4 so far. However, he has come to understand that the respondents 3 and 4 apprehend that the appellant might cause threat to them and hamper the investigation, if he is released on bail.

6. From the submissions made by Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for R1 and R2, it is learnt that the investigation in this case is almost over and that A2 has already been released on bail and has been complying conditions before the Rameshwaram Temple



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Police Station without causing any disturbance to the defacto complainant and the injured witnesses.

7. In such case, a similar condition can also be imposed for releasing this appellant / A1 on bail. As the appellant has already been under incarceration for nearly 30 days and the offences other than those falling under SC/ST (POA) Act are less serious and bailable, I feel same yardstick followed for A2 can be adopted to this appellant / A1 also for his prayer to release him on bail.

8. Accordingly, this Criminal Appeal is **allowed** by setting aside the order, dated 11.08.2025 in Crl.M.P.No.155 of 2025 on the file of the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST Act cases, Pudukkottai insofar as this appellant / A1 alone is concerned. The appellant / A1 is ordered to be released on bail on his executing a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Special Sessions Judge (FAC), Special Court for trial of SC/ST Act cases, Pudukkottai, 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 Special Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellants shall stay at Rameshwaram and appear and sign before the Rameshwaram Temple Police Station daily at 10.00 a.m. and 05.00 p.m., without fail for a period of 15 days.

[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.

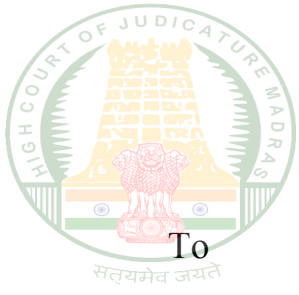
[d]the appellant shall co-operate with the investigation.

[e]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 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 229-A IPC.

28.08.2025

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To

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1.The Special Sessions Judge (FAC),
Special Court for trial of SC/ST Act cases,
Pudukkottai.

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

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

4.The Inspector of Police,
Rameshwaram 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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