



Crl.A.(MD)No.881 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.09.2025

Pronounced on : 12.09.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.881 of 2025

1.Vikram

2.Veeramanikandan

... Petitioners/
Accused No. 3 & 4

Vs.

1.The Deputy Superintendent of Police,
Illuppur,
Pudukkottai District.

2.The State of Tamil Nadu, rep. by
The Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.
(Crime No.171 of 2025)

...1st & 2nd
Respondents/
Complainants

3.Manikandan

...3rd Respondent/
Defacto
Complainant



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Prayer : This Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Amended Act, 2015, to set aside the order in Crl.M.P.No.159 of 2025 before the learned Special Judge, Special Court for Trial of SC/ST Act cases, Pudukkottai dated 11.08.2025 and allow this appeal by enlarging the petitioner on bail in Crime No.171 of 2025 on the file of the second respondent police.

For Appellants : Mr.P.Samuel Gunasingh
for Mr.N.Balasubramanian

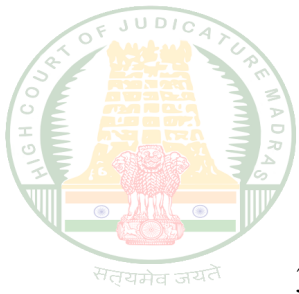
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side) for R1 & R2

Mr.V.Selvakumar for R3

JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.159 of 2025 dated 11.08.2025 on the file of the Special Sessions Judge, Special Court for Trial of SC/ST Act cases, Pudukkottai, dismissing the petition for bail under Section 483 B.N.S.S.

2. The petitioners are the accused 3 and 4 in Crime No.171 of 2025 on the file of the second respondent police for the offences punishable under Section 194 BNSS @ Section 108 BNS r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (PoA) Act, 1989.



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3. On the basis of the complaint lodged by the third respondent/ defacto complainant, brother of the deceased Tamilselvan, FIR came to be registered in Crime No.171 of 2025 on 20.07.2025 under Section 194 BNSS. In the complaint, the third respondent has alleged that his brother was found hanging in their field at about 08.00 p.m. on 20.07.2025 and that they were not having any suspicion over the death of his brother.

4. The second respondent police, on the basis of the further statement recorded from the third respondent and his sister Santhiya, filed an alteration report, altering the case from Section 194 BNSS to offences under Section 108 BNS r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (PoA) Act, 1989.

5. The case of the prosecution as evident from the alteration report filed on 22.07.2025 is that the third respondent and their family are belonging to Hindu Devendrakula Velalar community, that his brother Tamilselvan, who completed B.Com. was in love with one Seethalakshmi, daughter of Karikalan @ Kumar belonging to Hindu Pandaram community, for more than three years, that the said Karikalan family, by

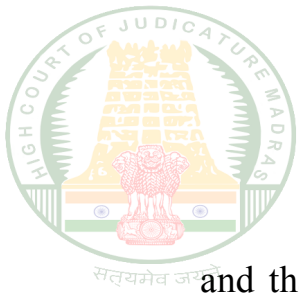


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citing the difference in community, had threatened the said Tamilselvan to discontinue their love affairs or else, he would be killed, that since the said Karikalan had arranged another bridegroom for his daughter Seethalakshmi, the said Tamilselvan had informed that he would marry Seethalakshmi and take her to some other place, that the said Karikalan had informed the love affairs to one Moorthy belonging to Hindu Agamudaiyar, majority community of that area and on 19.07.2025, the said Karikalan along with his relatives, the appellants herein had assaulted the said Tamilselvan and threatened him not to speak with Seethalakshmi or else he would be killed, that the said Tamilselvan after informing the above incident to his sister went to their field and that subsequently they came to know that the said Tamilselvan had hanged himself in their field.

6. The learned Government Advocate (Criminal Side), on instructions, would submit that after altering the case for the offence under the SC/ST (POA) Act, the first respondent police has taken up the investigation and examined some witnesses and conducted some discreet enquiry through which he came to know that since the appellants had assaulted and threatened the deceased Tamilselvan, he committed suicide



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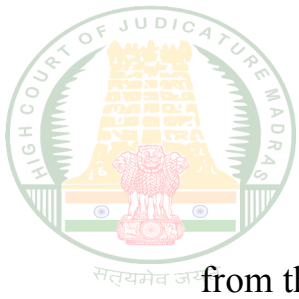
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and that the other two persons named by the third respondent in further statement, Karikalan and Moorthy were not at all involved.

7. Considering the submission made by the learned Government Advocate (Criminal Side), this Court called for the Case Diary (CD) file.

8. As rightly pointed out by the learned counsel appearing for the appellants, though the second respondent police has filed a counter affidavit on 26.08.2025, they have not whispered about the alleged deletion of the said two accused and the basis for implicating the present appellants. Notably, the alteration report came to be filed on 22.07.2025, but the prosecution did not disclose the further examination of the third respondent and his sister, the filing of alteration report, or the subsequent deletion of the other two persons from the present case.

9. It is evident from the CD file that after registering the FIR, the police recorded the third respondent's statement on 21.07.2025, which corroborated his original complaint. However, it is further evident from the CD file that on the same day, the police have taken another complaint

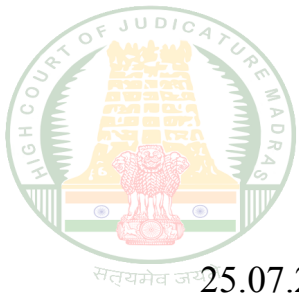


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from the third respondent, wherein, he levelled allegations against the said Seethalakshmi's father Karikalan, Moorthy and the appellants herein. The next day, the first respondent police recorded further statements of the third respondent and his sister Santhiya, wherein, the third respondent stated that only on the instigation of the said Karikalan, the appellants had threatened the deceased and subsequently on 19.07.2025 at about 04.30 p.m., the appellants had abused the deceased in filthy language using caste name and informed that they had already engaged another bridegroom for Seethalakshmi, but the third respondent's sister in her further statement has stated that after coming to know about the love affairs, the said Karikalan group had already threatened her brother and on 19.07.2025 at about 04.30 p.m., the appellants had abused her brother in filthy language and informed about the engagement of another bridegroom for Seethalakshmi.

10. Notably, the alteration report cites the third respondent's further statement and his sister's statement as its basis. However, a cursory review of the CD file reveals that the alteration was actually based on the second complaint from the third respondent. Furthermore, the appellants' arrest on 23.07.2025 and the investigating officer's filing of the alteration report on



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25.07.2025, dropping co-accused Karikalan and Moorthy, allegedly based on witness statements, raises questions.

11. As rightly pointed out by the learned counsel appearing for the appellants, though in the alteration report, it has been alleged that the appellants had assaulted the deceased on 19.07.2025, as per the postmortem report, the deceased body does not contain any external injuries except on neck and left foot. But the third respondent and his sister in their further statement and the other witnesses examined by the investigating officer have not stated that the deceased was assaulted by the appellants. As rightly contended by the learned counsel appearing for the appellants, the third respondent after lodging the complaint on 20.07.2025 stating that they are not having any suspicion over the death of his brother gave another complaint which was admittedly not recorded alleging that all the four accused were responsible for the death of his brother. The learned Sessions Judge, without considering the same, has mechanically dismissed the petition.

12. As already pointed out, though the alteration report and the



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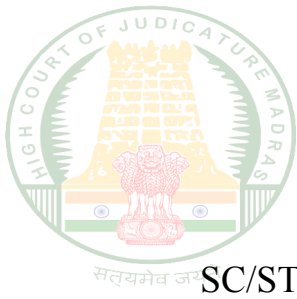
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deletion report were filed in the last week of July, the same were not disclosed by the Police in their counter affidavit and no acceptable reason is given for such non-disclosure.

13. The learned counsel appearing for the third respondent would submit that the third respondent has given further statement alleging the involvement of all the four accused but the police for the reasons best known to them, have deleted the main accused, which includes the father of Seethalakshmi.

14. The learned Government Advocate (Criminal Side) would admit that the appellants are not having any previous cases.

15. In light of the case's facts and circumstances, particularly the nature of allegations, the initial complaint, the manner of filing alteration and deletion reports, and considering the appellants' judicial custody since 23.07.2025, with most of the investigation completed and no adverse antecedents, this Court deems it fit to grant bail to the appellants, thereby setting aside the order dated 11.08.2025 passed by the Special Court for



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SC/ST Act cases, Pudukkottai in Crl.M.P.No.159 of 2025.

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16. Accordingly, the Criminal Appeal is allowed and the order dated 11.08.2025 made in Crl.M.P.No.159 of 2025 on the file of the Special Court for Trial of SC/ST Act cases, Pudukkottai, is set aside. The appellants are ordered to be released on bail on their 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 Special Judge, Special Court for Trial of SC/ST Act cases, Pudukkottai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b] the appellants shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the appellants shall not tamper with evidence or witness either during investigation or trial.

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



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[e] On breach of any of the aforesaid conditions, the learned Special Judge/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Special 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 268-A BNS.

12.09.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Special Judge,
Special Court for Trial of SC/ST Act cases,
Pudukkottai.
- 2.The Superintendent,
Sub Jail,
Pudukkottai.
- 3.The Deputy Superintendent of Police,
Illuppur,
Pudukkottai District.



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- 4.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Judgment made in
Crl.A.(MD)No.881 of 2025

Dated : 12.09.2025