

CRL.A(MD).No. 891 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 23.09.2025

Delivered on : 26.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 891 of 2025

Hariharan

: Appellant/A1

Vs.

1.The State of Tamil Nadu rep.by
the Deputy Superintendent of Police,
Bodinayakkanur Rural Police Station,
Theni District.

2.The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District. Crime No.253 of 2025.

3.Yogalakshmi

: Respondents

Prayer : This Criminal Appeal is filed under Section 14-A(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act 2015, to allow the appeal and enlarge the appellant on bail and set aside the order, dated 04.08.2025 in CrI.M.P.No.166 of 2025 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

For Appellant

: Mr.S.G.L.Rishwanth,



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For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1 and R2.

: Third respondent
Party-in-person

JUDGMENT

This Criminal Appeal is directed against the order passed in CrI.M.P.No.166 of 2025, dated 04.08.2025, on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dismissing the petition for bail filed under Section 483 of BNSS.

2.The appellant is the first accused in Crime No.253 of 2025 on the file of the Bodi Taluk Police Station, for the offence under Sections 318(2), 64, 88, 296(b), 115(2), 351(2) BNS, Section 4 of TNPHW Act and under Section 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (POA) Act.

3.The case of the prosecution is that the defacto complainant obtained a loan from Fusion Micro Finance Company and got introduced to the appellant, who was a loan recovery agent and they fell in love; that on 18.01.2025, the appellant took the victim to Veerappa Ayyanar Temple



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and then later to her home and at about 08.00 pm, since her mother and brother were away, compelled her and tied Thali; that despite the complainant's objection, the appellant forced her and had intercourse; that thereafter, the appellant had intercourse with the complainant several times, as a result of which, she became pregnant; that she visited the Keerthi Hospital at Bodi on 30th March and her pregnancy was confirmed; that the appellant asked her to abort the pregnancy stating that his elder brother was about to marry and that his family will not accept a pregnant woman as their daughter-in-law; that when the complainant refused to abort, the appellant threatened to commit suicide and brought abortion tablet and forced her to consume the same and hence, her two month pregnancy got aborted; that the appellant thereafter, started avoiding the complainant and hence, the complainant went in search of him on 15.07.2025 and met him near Easwaran Temple, Veerapandi, but the appellant took her south of Nagar Hotel and the second accused/mother of the appellant came to that place and started scolding her in filthy language using caste name and both the accused had beaten her and at that time one Sekar and Ramu had intervened and stopped the attack and that the defacto complainant after consulting her mother preferred the complaint before the respondent police on 24.07.2025.



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4. On the basis of the complaint lodged by the third respondent/defacto complainant, FIR came to be registered in Crime No.253 of 2025 on 24.07.2025 against two persons including the appellant for the offence under Sections 318(2), 64, 88, 296(b), 115(2), 351(2) BNS, Section 4 of TNPHW Act and under Section 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (POA) Act.

5. It is not in dispute that the petitioner was arrested on 25.07.2025 and the appellant moved an application for bail in CrI.M.P.No.166 of 2025 before the Special Court for Trial of Cases under SC/ST (POA) Act, and the learned Sessions Judge, after enquiry, passed the impugned order, dated 04.08.2025, dismissing the bail petition. Challenging the dismissal of bail petition, the present appeal came to be filed.

6. The learned counsel appearing for the appellant would submit that the only evidence against the appellant is the alleged statement of the defacto complainant and there is no other evidence to connect the accused with the alleged crime; that the main ground for refusing the bail is that there is threat to the defacto complainant, but admittedly, the complaint

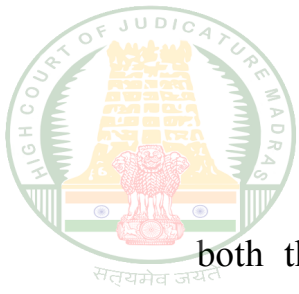


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was lodged belatedly and there are no antecedents to suspect the threat; that the allegations of forcing abortion, beating the victim and using caste remarks and abusing the victim are all false and concocted for the purpose of foisting false case; that the appellant is an innocent, law abiding citizen and he will not tamper with or influence any evidence or witnesses and is ready to abide any stringent conditions that may be imposed by this Court.

7. The learned Government Advocate (Criminal Side) appearing for the State would submit that the appellant, by giving promise to marry her and thereafter, by tying Thali in the house of the complainant, had intercourse forcibly on several occasions and since the complainant has become pregnant, the appellant had compelled her to abort her pregnancy and when the same was refused, he started threatening to commit suicide and that the appellant alone has given abortion tablets and forced her to consume, as a result her two months pregnancy got aborted.

8. The learned Government Advocate (Criminal Side) appearing for the State would further submit that since the appellant has started to avoid the complainant, she went to his place and at that time, the appellant's mother abused the complainant in filthy language using caste name and



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both the accused had attacked her. He would further submit that the defacto complainant appeared in person before the trial Court and represented that her life will be in danger, if the appellant is released on bail and the trial Court considering the above, has rightly dismissed the bail petition.

9. In response to the notice issued by this Court, the third respondent appeared in person and raised objections for granting bail to the appellant.

10. The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is almost completed and they are going to file charge sheet shortly.

11. It is pertinent to note that the third respondent is aged 23 years and is working in a private concern. As rightly pointed out by the learned counsel for the appellant, even according to the complainant, both of them had love affairs and had intercourse in the house of the complainant.

12. The learned counsel for the appellant as well as the learned Government Advocate (Criminal Side) would submit that the second



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accused mother of the appellant obtained directions from this Court in Crl.O.P(MD)No.14659 of 2025 and surrendered before the concerned Court and was released on bail. Moreover, the appellant was arrested on 25.07.2025 and is in judicial custody for the past two months.

13. Considering the facts, circumstances and nature of charges allegedly levelled and taking note of the fact that the petitioner is in judicial custody for the past two months and the investigation is almost completed and is not having bad antecedents, as stated by the prosecution, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 04.08.2025 made in Crl.M.P.No.166 of 2025 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

14. Accordingly, the Criminal Appeal is allowed and the order, dated 04.08.2025 made in Crl.M.P.No.166 of 2025 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni, 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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni, 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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant shall stay at Thanjavur and report before the Inspector of Police, Thanjavur Town Police Station, daily at 10.30 am, until further orders.

(c) the appellant shall not tamper with evidence or witness either during investigation or trial.

(d) the appellant shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/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 Magistrate/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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WEB COPY [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

26.09.2025

das

To

- 1.The Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni.
- 2.The Deputy Superintendent of Police, Bodinayakkanur Rural Police Station, Theni District.
- 3.The Inspector of Police, Bodinayakkanur Rural Police Station, Theni District.
- 4.The Superintendent of Prison, District Jail, Thekkampatti.
- 5.The Section Officer, Criminal Section (Records), Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
CRL.A(MD).No. 891 of 2025

26.09.2025