

Crl. A.(MD)Nos.895 and 880 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 26.08.2025

CORAM

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

Crl. A.(MD)Nos.895 and 880 of 2025

Crl.A(MD).No.895 of 2025

Surendran @ Surendar

... Appellant /Petitioner/A3

Vs.

1.The State of Tamil Nadu,
Rep., by the Deputy Superintendent of Police,
Manapparai, Trichy District.

2.The Sub Inspector of Police,
Vaiyampatti Police Station,
Tiruchirappalli District.
Crime No.321 of 2025

... Respondents/ Complainants

3.Deena

... 3rd Respondent/ Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act to call for the records pertaining to the order dated 13.08.2025 in Crl.M.P.No.3423 of 2025 on the file of the I Additional District and Sessions Judge (PCR), Trichy and to set aside the same and enlarge the appellant in connection with Crime No.321 of 2025 on the file of the second respondent police by allowing this criminal appeal.

For Appellant : Mr.R.Anand



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

For R3 : Mr.M.Pitchaimuthu

Crl. A.(MD)No.880 of 2025

Balamurugan ... Appellant /2nd Petitioner/ A11

Vs.

1.The State of Tamil Nadu,
Rep., by the Deputy Superintendent of Police,
Manapparai, Trichy District.

2.State rep., by
The Inspector of Police,
Vaiyampatti Police Station,
Tiruchirappalli District.
Crime No.321 of 2025

... Respondents/ Complainants

3.Deena ... 3rd Respondent/ Defacto
Complainant

Prayer : This Criminal Appeal is filed under Section 14A(2) of SC/ST (POA) Act to call for the records pertaining to the order dated 07.08.2025 in Crl.M.P.No.3278 of 2025 on the file of the I Additional District and Sessions Judge (PCR), Trichy and to set aside the same and enlarge the appellant in connection with Crime No.321 of 2025 on the file of the second respondent police by allowing this criminal appeal.

For Appellant : Mr.C.Bharathi

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



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For R3

: Mr.M.Pitchaimuthu

COMMON JUDGMENT

Thes Criminal Appeals are filed challenging the orders passed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, in Crl.M.P.Nos.3423 of 2025, dated 13.08.2025 and 3278 of 2025, dated 07.08.2025.

2. The appellants are A3 and A11 in the case registered in Crime No.321 of 2025 for the offences under Sections 127(2), 191(2), 296(b), 115(2), 351(2) of BNS r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 1989 and Section 4 of TNPHW Act, 2002 on the file of the second respondent police on the allegation made by the defacto complainant against the appellants and the other accused that the defacto complainant belonged to Scheduled Caste community and married a girl belonged to Backward Class community, as they loved each other. The accused persons, who belonged to the community of the defacto complainant's wife, raised objection to the said marriage. After the marriage, the defacto complainant shifted his residence to Chennai. On 17.07.2025, he came to his native place to attend temple festival, during that time, the accused persons conspired with each other and devised a



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plan to attack the defacto complainant. On 21.07.2025, at about 05.30 pm., when the defacto complainant was proceeding towards shop, the accused persons attacked him with their hands. When his father and brother went for his rescue, the accused attacked them also. They appellants were arrested and remanded to judicial custody on 01.08.2025.

3. The bail applications filed by the appellants have been dismissed by the learned Sessions Judge on the observation that the family members of the accused have spread threatening videos in social media and they caused threat to the family members of the defacto complainant. Aggrieved over the same, these appeals have been filed.

4. The learned Government Advocate (Crl.side) submitted that in this case investigation is almost over and so far, 13 witnesses statement were recorded. If the appellants are ordered to be released on bail, stringent conditions may be imposed.

5. The learned counsel appearing for the defacto complainant submitted that the appellants and the other accused have ex-communicated the parents' family of the defacto complainant from the village and they also



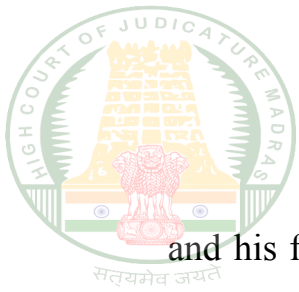
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refused to sell the essential things such as provisions, rice etc., from the shops run by the persons belonged to the Backward Class community. Insofar as the defacto complainant is concerned, he is presently residing at Chennai due to his occupation.

6. The learned counsel appearing for the appellants submitted that there is no tension prevailing in the village as alleged by the defacto complainant and the appellants have given undertaking that if they are ordered to be released on bail, they will not cause any threat/disturbance to the peace and safety of the defacto complainant and his family members. The learned counsel further submitted that the appellants undertake not to cause any disturbance to the public peace that may lead to any communal disputes or violence.

7. The learned Government Advocate (Crl.side) also submitted that as of now no such risk appears to be prevailing in the village and the accused may be released on conditions.

8. Considering the above submissions and the undertaking given by the appellants that they would not cause any threat to the defacto complainant



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and his family members and they would not disturb the public peace and also the fact that the investigation is almost over, I feel the appellants/A3 and A11 can be released on bail by setting the order of the trial Court.

9. Accordingly, these Criminal Appeals are allowed and the orders made in Crl.M.P.No.3423 of 2025 dated 13.08.2025 and Crl.M.P.No.3278 of 2025 dated 07.08.2025 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, are 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 I Additional District and Sessions Judge (PCR), Trichy, and on further conditions that:

(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), Trichy, may obtain a copy of their valid identity card to ensure their identity.

(b) the appellants shall appear and sign before the learned I Additional District and Sessions Judge (PCR), Trichy, daily at 10.30 am., until further orders.



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(c) the appellants shall not cause any threat to the defacto complainant and his family members.

(d) the appellants shall not disturb the public peace in the village.

(f) the appellants shall not tamper with evidence or witnesses, during investigation or trial.

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

(h) 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]**.

(i) 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 28.08.2025



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To

- 1.I Additional District and Sessions Judge (PCR), Tiruchirappali.
- 2.The Deputy Superintendent of Police,
Manapparai, Trichy District.
- 3.The Sub Inspector of Police,
Vaiyampatti Police Station,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.

Rmk

JUDGMENT IN
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