

CRL.A(MD).No. 1084 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 16.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 1084 of 2025

1.Praveen Kumar

2.Dinesh

: Appellants/A1 & A2

Vs.

1.The State rep.by the Deputy Superintendent of Police,
Aruppukkottai Sub Division, Virudhunagar District.

2.The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
Crime No.191 of 2025.

3.Thiruchelvam

: 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 set aside the order passed by the learned Sessions Judge (Special Court for Trial of SC/ST (PoA) Act Cases, Srivilliputhur in Crl.M.P.No.248 of 2025, dated 30.09.2025 and enlarge the appellant on bail in connection with Crime No.191 of 2025 on the file of the second respondent.



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CRL.A(MD).No. 1084 of 2025

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

: Third respondent
Party-in-person

JUDGMENT

This Criminal Appeal has been filed seeking orders to set aside the order passed in Crl.M.P.No.248 of 2025, dated 30.09.2025, on the file of the learned Sessions Judge (Special Court for Trial of SC/ST (PoA) Act Cases, Srivilliputhur, Virudhunagar District, dismissing the petition for bail.

2. The case of the prosecution is that due to previous enmity between the accused persons and defacto complaint, on 17.09.2025, the accused persons trespassed into the defacto complainant's house and damaged his car and house hold articles and also abused him in filthy language by using his caste name and also threatened him with dire consequences. On the basis of the complaint give by the defacto complainant, a case in Crime No.191 of 2025 was registered by the



CRL.A(MD).No. 1084 of 2025

respondent Police against the appellants and other accused persons for the offences under Sections 191(2), 191(3), 296(b), 351(3) of BNS, Section 4 of THPHW Act and Section 3 of TNPPDL Act r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST(POA)Act. The appellants are in judicial custody from 18.09.2025. The appellants filed a petition for bail in Crl.M.P.No.248 of 2025 and the same was dismissed by the learned Sessions Judge, Special Court for Trial of SC/ST Act Cases, Srivilliputhur, on 30.09.2025. Challenging the same, the appellants have preferred this Criminal appeal.

3. The learned counsel appearing for the appellants would submit that the appellants are innocent persons and they are in no way connected with the occurrence and they are college students and that the appellants are in judicial custody from 18.09.2025.

4. In response to the notice issued by this Court, the third respondent/defacto complainant appeared in person and would submit that the accused persons damaged the car and house hold articles and caused loss to the tune of Rs.5 lakhs and that they are apprehending a threat to their life, as his wife and father are available at house.



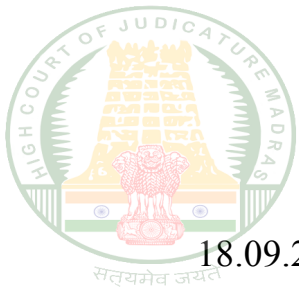
CRL.A(MD).No. 1084 of 2025

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5. The learned Government Advocate (Criminal Side) appearing for the State would submit that A3 to A5 are juveniles and they were produced before the Juvenile Justice Board and that the accused persons trespassed into the house of the complainant and caused damages to the tune of Rs.3 lakhs. He would further submit that no one was injured in this incident; that the first accused is having one previous case in Crime No.68 of 2024 on the file of the Bazzar Police Station, Virudhunagar for the offence under Sections 115(2), 126(2), 296(B), 49 of IPC and the second accused is having one previous case in Crime No.227 of 2023 on the file of the Virudhunagar Rural Police Station for the offence under Section 8(c) r/w 20(b)(ii)(A) of NDPS Act.

6. The learned counsel for the appellants would submit that they are ready to deposit some portion of the amount with out prejudice to their contentions.

7. Considering the above facts and circumstances of the case and also the facts that there existed previous enmity between the parties and no one was injured in this incident and they are in judicial custody from



CRL.A(MD).No. 1084 of 2025

18.09.2025, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 30.09.2025 made in CrI.M.P.No.248 of 2025 on the file of the learned Sessions Judge (Special Court for Trial of SC/ST (PoA) Act Cases, Srivilliputhur .

7. Accordingly, the Criminal Appeal is allowed and the order, dated 30.09.2025 made in Cr.M.P.No.248 of 2025 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (PoA) Act cases, Srivilliputhur, Virudhunagar, is set aside. The appellants are directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh Only) each to the credit of Crime No.191 of 2025 before the learned Sessions Judge, Special Court for Trial of SC/ST (PoA) Act cases, Srivilliputhur, Virudhunagar, and on such deposit, the appellants are ordered to be released on bail on their executing 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 Sessions Judge, Special Court for Trial of SC/ST (PoA) Act cases, Srivilliputhur, Virudhunagar, 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, Special



CRL.A(MD).No. 1084 of 2025

Court for Trial of SC/ST (PoA) Act cases, Srivilliputhur, Virudhunagar,

may obtain a copy of their valid identity card to ensure their identity.

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

(e) On breach of any of the aforesaid conditions, the learned Magistrate/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 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]**.

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

16.10.2025

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CRL.A(MD).No. 1084 of 2025

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To

1. The Sessions Judge (Special Court for Trial of SC/ST (PoA) Act Cases, Srivilliputhur, Virudhunagar.
2. The Deputy Superintendent of Police,
Aruppukkottai Sub Division,
Virudhunagar District.
3. The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
4. The Inspector of Police,
Town Police Station, Thanjavur.
5. The Superintendent of Prison,
District Prison, Virudhunagar.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
7. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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CRL.A(MD).No. 1084 of 2025

K.MURALI SHANKAR,J.

das

CRL.A(MD).No. 1084 of 2025

16.10.2025