



Crl.A.(MD)No.1163 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 13.11.2025

Pronounced on : 21.11.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.1163 of 2025

Kaliraj

... Appellant/
Petitioner/
Accused

Vs.

1.State of Tamil Nadu represented by its
The Deputy Superintendent of Police,
Sivakasi Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No.239 of 2025)

...Respondents 1&2/
Respondents/
Complainant

3.Kamatchi

...3rd Respondent/
Third Party/
Defacto
Complainant



Crl.A.(MD)No.1163 of 2025

Prayer : This Criminal Appeal filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records relating to the order dated 16.10.2025 passed in Crl.M.P.No.274 of 2025 on the file of the Sessions Judge, Special Court for trial of SC/ST (POA) Act cases, Srivilliputtur, Virudhunagar District and set aside the same as arbitrary and consequently to release the petitioner on bail in connection with case in Crime No.239 of 2025 on the file of the second respondent police.

For Appellant : Mr.A.Manikandan

For Respondents : Mr.K.Gnanasekaran
Government Advocate (Crl. Side) for R1 & R2

No appearance for R3

JUDGMENT

The Criminal Appeal is directed against the order passed in Crl.M.P.No.274 of 2025 dated 16.10.2025 on the file of the Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur, dismissing the application for bail filed under Section 483 B.N.S.S.

2. The appellant is the sole accused in Crime No.239 of 2025 on the file of the second respondent police.



Crl.A.(MD)No.1163 of 2025

WEB COPY

3. The case of the prosecution is that the third respondent / defacto complainant belongs to Arunthathiyar community and she had already undergone open heart surgery and that on 29.09.2025 at about 01.00 a.m. early morning, when the third respondent along with her husband and child were sleeping at her home, the appellant trespassed into her home and assaulted the third respondent sexually.

4. On the basis of the complaint lodged by the third respondent, FIR came to be registered in Crime No.239 of 2025 on 01.10.2025 against the appellant for the offences under Sections 329(4) and 76 BNS, Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(i) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. After completing the investigation, the first respondent police laid the final report and the case was taken on file in Spl.S.C.No.52 of 2025 and is pending on the file of the Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur.

5. It is not in dispute that the appellant is in judicial custody from 01.10.2025. The appellant filed an application for bail in Crl.M.P.No.274



Crl.A.(MD)No.1163 of 2025

of 2025 and the learned Sessions Judge, after enquiry, passed the impugned order dismissing the bail application on 16.10.2025. Aggrieved by the dismissal of the bail application, the present appeal came to be filed.

6. The case of the appellant is that the third respondent's family members went to the appellant's house and created a problem and counter case was registered against the third respondent and her family members in Crime No.240 of 2025 for the offences under Sections 191(2), 329(4), 296(b), 115(2), 133 and 351(2) BNS and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and that the appellant is innocent and is no way connected with the alleged occurrence and he has been falsely implicated in the above case.

7. In response to the notice received, the third respondent sent a letter to this Court through the jurisdictional police stating that the appellant trespassed into her house at about 01.00 a.m. on 29.09.2025 and committed sexual assault, that she had undergone heart operation and is not in a position to travel, that she has been suffering mental agony due to



Crl.A.(MD)No.1163 of 2025

the acts of the appellant and is unable to come out of the house, that if the appellant is granted bail, he would definitely create issues and she is apprehending danger to her life and that therefore, she is having serious objections to enlarge the appellant on bail.

8. The first respondent police filed a counter affidavit raising objections.

9. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the prosecution examined 11 witnesses and gathered evidence showing that the appellant had committed the offences alleged against him and hence, final report was filed on 08.10.2025 and the case was taken on file in Spl.S.C.No.52 of 2025, that the case was posted for the accused appearance on 17.11.2025, that if the appellant is granted bail, there is possibility for him tampering the witnesses and chance to abscond, that the learned Sessions Judge has rightly dismissed the bail application and that therefore, the present appeal is liable to be dismissed.



Crl.A.(MD)No.1163 of 2025

WEB COPY

10. The learned counsel appearing for the appellant filed the copy of the FIR registered in counter case in Crime No.240 of 2025, wherein, FIR was registered in Crime No.240 of 2025 on 01.10.2025, on the basis of the complaint lodged by one Surya (wife of the present appellant) against the third respondent, her husband and her in-laws for the offences under Sections 191(2), 329(4), 296(b), 115(2), 133 and 351(2) BNS and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

11. The learned counsel appearing for the appellant would submit that the appellant is not having any bad antecedents, that since the prosecution has already filed the charge sheet and the case was taken on file, the question of hampering the investigation or tampering the witnesses does not arise, that the learned Sessions Judge, without considering the case in counter and disputes between the parties, has dismissed the bail application in a mechanical fashion and that since the appellant is in judicial custody from 01.10.2025, he may be enlarged on bail.

12. The learned Government Advocate (Criminal Side) appearing



Crl.A.(MD)No.1163 of 2025

WEB COPY

for the respondents 1 and 2 would submit that the appellant is not having any previous cases.

13. Considering the above facts and circumstances and also the facts that charge sheet has already been laid and the case was taken on file and that the appellant is not having any previous cases and also the period of incarceration from 01.10.2025, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 16.10.2025 made in Crl.M.P.No. 274 of 2025 on the file of the Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur.

14. Accordingly, the Criminal Appeal is allowed and the impugned order, dated 16.10.2025 made in Crl.M.P.No.274 of 2025 on the file of the Special Court for Trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur, 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 Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Srivilliputtur, Virudhunagar District, and on further conditions that:



Crl.A.(MD)No.1163 of 2025

(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 appellant shall report before the trial Court on all working days at 10.30 a.m., until further orders;

(c) the appellant shall not disturb the third respondent or her family members in any manner;

(d) the appellant shall not tamper with evidence or witness either during investigation or trial;

(e) the appellant shall co-operate with the investigation;

*(f) On breach of any of the aforesaid conditions, the learned 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 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]**.*



Crl.A.(MD)No.1163 of 2025

*[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 BNS.*

WEB COPY

21.11.2025

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

To

- 1.The Sessions Judge,
Special Court for Trial of SC/ST (POA) Act cases,
Srivilliputtur, Virudhunagar District.
- 2.The Superintendent,
District Jail,
Virudhunagar.
- 3.The Deputy Superintendent of Police,
Sivakasi Sub Division,
Virudhunagar District.
- 4.The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A.(MD)No.1163 of 2025

K.MURALI SHANKAR,J.

csn

Pre-Delivery Judgment made in
Crl.A.(MD)No.1163 of 2025

Dated : 21.11.2025