



CRL.A(MD).No. 1174 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 1174 of 2025

Saravanakumar @ Saravnan

: Appellant/A1

Vs.

1.State through the Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.State rep.by the Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.258 of 2025.

3.Bagavathi

: 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 of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Theni, made in Crl.M.P.No.264 of 2025, dated 25.10.2025 and enlarge the appellant on bail in Crime No. 258 of 2025 on the file of the second respondent.

For Appellant

: Mr.J.Senthil Kumaraiah,



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

: No appearance, for R3.

JUDGMENT

This Criminal Appeal has been filed seeking orders to set aside the order passed in CrI.M.P.No.264 of 2025, dated 20.10.2025, on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Theni, dismissing the petition for bail.

2. The case of the prosecution is that there existed money transaction between the appellant and the defacto complainant, due to which, on 14.09.2025 at about 6:00 p.m., the complainant allegedly called the accused to ask for repayment of the loan, during that conversation, the appellant along with his wife/A2 abused the defacto complainant in filthy language by using his caste name and also made criminal intimidation. On the basis of the complaint, a case in Crime No.258 of 2025 was registered by the respondent Police against the appellant and his wife/A2, for the offence under Sections 296(b), 351(2) of BNS and Sections 3(1) (r),



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3(1)(s) and 3(2) (va) of SC/ST(POA)Act. The appellant is in judicial custody from 23.09.2025. The appellant filed a petition for bail in CrI.M.P.No.264 of 2025 and the same was dismissed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Theni, on 25.10.2025. Challenging the same, the appellant has preferred this Criminal appeal.

3. The learned counsel for the appellant would submit that the appellant is innocent and he has not committed any offence as alleged by the prosecution; that the appellant was arrested on 23.09.2025 and is in judicial custody till now and the learned Sessions Judge, considering the fact that the second accused is still absconding and taking note of the words allegedly uttered by the appellant, proceeded to dismiss the application. He would further submit that the appellant is not having any previous cases and no one was injured in this incident and except the offence, under Sections 296(b), 351(2) of BNS, apart from the provisions under SC/ST Act, no other serious offences was alleged against the appellant and that therefore, the appellant may be enlarged on bail.



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4. In pursuance to the notice, the third respondent has given written objections through the jurisdictional police, wherein he has stated that he is having serious objections to grant bail to the appellant.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the learned trial Judge, considering the abusing and filthy words allegedly used by the appellant and also the fact that the second accused is still absconding, dismissed the petition. He would further submit that the second accused has already filed an application before this Court in CrI.O.P(MD)No.16971 of 2025 and got directions, but not yet surrendered before the concerned Court.

6. At this juncture, the learned counsel for the appellant would submit that the second accused has already moved an application for extension of time before this Court.

7. Considering the above facts and circumstances of the case, nature of the charges alleged and also the facts that the appellant is not having any previous case and that the appellant is in judicial custody from 23.09.2025,



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this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 25.10.2025 made in CrI.M.P.No.264 of 2025 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Theni.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 25.10.2025 made in CrI.M.P.No.264 of 2025 on the file of the learned Sessions Judge, 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:

(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, Thanjavur daily at 10.30 am, until further orders.



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(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]**.

[f] 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

Internet : Yes/No
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To

- 1.The Sessions Judge, Special Court for Trial of
Cases under SC/ST (PoA) Act, Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
- 3.The Inspector of Police,
Periyakulam Police Station,
Theni District.
- 4.The Inspector of Police,
Town Police Station, Thanjavur.
- 5.The Superintendent of Prison,
District Prison, Theni.
- 6.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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