



Crl.A.(MD)No.1175 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.11.2025

Pronounced on : 27.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.1175 of 2025

Paramasivam

...Appellant/
Petitioner/
Accused No.4

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
(Crime No.125 of 2021)

... 1st Respondent/
Complainant/
Complainant

2.Pradhap

...2nd Respondent/
Defacto
Complainant/
Defacto
Complainant

PRAYER: Criminal Appeal filed under Section 14A(2) of Scheduled Caste / Scheduled Tribes Act,1989 as amended by Act 1 of 2016, praying



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to call for the records pertaining to the order dated 28.10.2025 in Crl.M.P.No.224 of 2025 in Spl.S.C.No.25 of 2022 on the file of the Special Court for SC/ST Act cases, Pudukkottai and to set aside the same and enlarge the appellant in connection with Crime No.125 of 2021 on the file of the first respondent police by allowing this criminal appeal.

For Appellant : Mr.B.Micheal Sebastin

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

R2-Party-in-person

JUDGMENT

The Criminal Appeal is directed against the order passed in Crl.M.P.No.224 of 2025 in Spl.S.C.No.25 of 2022, dated 28.10.2025, on the file of the Special Court for trial of SC/ST Act cases, Pudukkottai, in dismissing the petition for bail filed under Section 483 B.N.S.S.

2. The case of the prosecution is that on 03.05.2021, the second respondent / defacto complainant and his relative Santhosh went to Manjuviduthi hotel for dinner and due to enmity, the accused came to that place, picked quarrel, abused them in filthy language using caste name, attacked them and also caused criminal intimidation. On the basis



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of the complaint lodged by the second respondent, FIR came to be registered in Crime No.125 of 2021 for the offences under Sections 147, 341 and 323 IPC r/w Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. After completing the investigation, the first respondent police filed a final report and the same was taken on file in Spl.S.C.No.25 of 2022 and is pending on the file of the Special Court for trial of SC/ST Act cases, Pudukkottai.

3. It is not in dispute that the above sessions case was posted to 13.07.2022 as first hearing for the appearance of the accused, that since summons were pending for the present appellant as well as the sixth accused, the case was kept pending, that after coming to know that the appellant went abroad, Non-Bailable Warrant (NBW) was issued against him on 03.04.2024 and lookout circular was issued on 25.06.2025 and that when the appellant returned, he was arrested to India on 25.09.2025 and remanded to judicial custody.

4. The appellant moved a bail petition before the trial Court and the same was dismissed on 30.09.2025. Challenging the said dismissal



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order, the appellant filed an appeal before this Court in Crl.A.(MD)No. 1088 of 2025 and this Court, considering the fact that the appellant went abroad and remained absconding and also taking note of the fact that the sessions case was pending as summons to the sixth accused was pending, dismissed the criminal appeal and directed the first respondent police to take necessary steps to split up the case as against the sixth accused against whom service was pending and proceed with the case as against the other accused including the appellant vide judgment dated 16.10.2025.

5. The appellant, by alleging that the case was not split up as directed by this Court and that the appellant is in judicial custody from 25.09.2025, moved another petition for bail under Section 483 B.N.S.S. before the trial Court in Crl.M.P.No.224 of 2025 and the learned trial Judge, after enquiry, passed the impugned order dated 28.10.2025 dismissing the bail petition. Aggrieved by the dismissal of bail petition, the present appeal came to be filed.

6. When the matter was taken up on 10.11.2025, this Court,



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considering the submissions that the first respondent police has not taken any steps to split up the case as against the sixth accused and there was no progress in the sessions case, directed the Registry to call for a report from the Special Court for trial of SC/ST Act cases, Pudukkottai, as to the steps taken subsequent to the order of this Court. In pursuance of the same, the learned Sessions Judge submitted a report dated 12.11.2025 stating that the Deputy Superintendent of Police, Alangudi Sub Division, filed a requisition letter on 11.11.2025 to split up the case as against the sixth accused and the same was taken on file in M.P.No.21 of 2025 and posted to 19.11.2025 for reply and assures that the case will be tried and will be disposed of within 6 months after full trial. Notably, Section 14(3) of the SC/ST (POA) Act mandates that in every trial in the Special Court, the proceedings shall be continued from day-to-day until all witnesses in attendance have been examined and that the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet. In view of the mandate given in the Statute itself, report of the learned Sessions Judge that he will dispose of the case within six months, cannot be accepted.



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7. Though this Court, while dismissing the earlier appeal, issued directions to the first respondent police to take necessary steps to split up the case as early as on 16.10.2025, the first respondent police has not taken any steps and only after filing of the present appeal, they have moved a requisition before the trial Court and is pending before the said Court.

8. In response to the notice received, the second respondent appeared in person before this Court and raised objections to grant bail to the appellant. When the earlier appeal was taken up for hearing, the second respondent has stated that the appellant and his villagers have been practically threatening him to support the appellant.

9. The appellant filed an affidavit undertaking that he will not go to abroad during the pendency of the above case proceedings and that his passport has already been impounded by the authorities.

10. Considering the above facts and circumstances, nature of the charges levelled and taking note of the fact that the appellant is in



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judicial custody from 25.09.2025 and trial is yet to be commenced, this Court is inclined to grant bail to the appellant.

11. Accordingly, the Criminal Appeal is allowed and the impugned order, dated 28.10.2025 made in Crl.M.P.No.224 of 2025 in Spl.S.C.No. 25 of 2022 on the file of the Special Court for Trial of SC/ST Act cases, Pudukkottai, 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 Special Court for SC/ST Act cases, Pudukkottai, 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 may obtain a copy of their valid identity card to ensure their identity;

(b) the appellant shall stay at Viluppuram and report before the Inspector of Police, Viluppuram Town Police Station, Viluppuram daily at 10.30 a.m. until further orders and visit Pudukkottai only for attending the hearings in the above sessions case;

(c) the appellant shall not tamper with evidence or



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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 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]**.*

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

12. The learned Special Sessions Judge, Special Court for trial of SC/ST cases, Pudukkottai, is directed to commence the trial in Spl.S.C.No.25 of 2022 and dispose of the case within a period of two months as stipulated in the Statue.

27.11.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

8/10



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To

- 1.The Special Sessions Judge,
Special Court for Trial of SC/ST Act cases,
Pudukkottai.
- 2.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
- 3.The Inspector of Police,
Viluppuram Town Police Station,
Viluppuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai District.



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K.MURALI SHANKAR, J.

csn

Pre-Delivery Judgment made in
Crl.A.(MD)No.1175 of 2025

Dated : 27.11.2025