



CRL.A(MD).No. 1171 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 07.11.2025

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 1171 of 2025

1.Saravanan @ Saravanakumar

2.Janaki : Appellants/A1 & A2

Vs.

1.The State rep.by the Deputy Superintendent of Police,
Periyakulam Division, Theni District.

2.The Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.228 of 2025.

3.Chinnarasu : 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 call for the records and set aside the order passed by the Special Court for Trial of SC/ST (PoA) Act Cases, Theni in Crl.M.P.No.279 of 2025, dated 29.10.2025 and enlarge the appellant on bail in Crime No.228 of 2025 on the file of the second respondent.

For Appellant : Mr.A.K.Manikkam,



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For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1 and R2.
: Mr.J.Vishnu, for R3.

JUDGMENT

This Criminal Appeal is directed against the order passed in CrI.M.P.No.279 of 2025, dated 29.10.2025, on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (PoA) Act Cases, Theni, in dismissing the petition for bail filed under Section 483 of BNSS.

2. The case of the prosecution is that there existed pathway dispute between the parties, due to which, on 26.06.2025, at about 9:40 a.m., while the defacto complainant was engaged in work in his garden, the appellants abused him in filthy language by referring to his caste name and threatened him with dire consequences. On the basis of the complaint, a case in Crime No.228 of 2025 was registered by the respondent Police against the appellants for the offences under Section 296(b) BNS and Sections 3(1)(r) and 3(1)(s) of SC/ST(POA)Act. The appellants are in judicial custody from 29.10.2025. The appellants filed a petition for bail in CrI.M.P.No.279 of 2025 and the same was dismissed by the learned Sessions Judge, Special



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Court for Trial of SC/ST Act Cases, Theni, on 29.10.2025. Challenging the same, the appellants have preferred this Criminal appeal.

3. The learned counsel appearing for the appellants would submit that there existed pathway dispute between the parties and hence, the second appellant was forced to file a suit in O.S.No.59 of 2019 for injunction and the learned District Munsif, Periyakularm, passed a decree, dated 24.03.2020 granting injunction as sought for; that though the incident was occurred on 26.06.2025, complaint was lodged and FIR came to be registered on 30.08.2025; that no one was injured in this incident; that the second appellant is having heart issues and is now taking treatment in Government Rajaji Hospital, Madurai and that the appellants may be enlarged on bail. He would further submit that the counter case has been registered in Crime No.229 of 2025, on 30.08.2025 against the defacto complainant and others for the offences under Sections 191(2), 191(3), 296(b) 351(3) BNS.

4. The learned counsel for the appellants would further submit that the appellants have moved a petition before this Court in CrI.O.P(MD) No.14663 of 2025 and obtained directions. In pursuance of the same, the



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appellants surrendered before the concerned Court and the learned Sessions Judge accepting the surrender, dismissed the bail petition.

5.The learned counsel appearing for the third respondent/defacto complainant would submit that there existed pathway dispute between the parties and even after the occurrence, the appellants have been pouring acid to the plants belonging to the complainant and that by getting injunction decree, they have been interfering with the complainant's peaceful possession and enjoyment of the property.

6.The learned Government Advocate (Criminal Side) appearing for the State would submit that since the learned Sessions Judge dismissed the bail application, they were remanded to judicial custody and that the appellants are not having any previous case.

7. In pursuance of the directions of this Court, the Dean Government Rajaji Hospital, Madurai, submitted a report stating that the second appellant is taking treatment for Acute Coronary Syndrome and is now taking in-patient treatment in Government Rajaji Hospital.



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8. Considering the above facts and circumstances and taking note of the charges levelled and also the facts that they are in judicial custody from 29.10.2025 and are not having any bad antecedents, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 29.10.2025 made in Crl.M.P.No.279 of 2025 on the file of the Special Court for Trial of SC/ST Act Cases, Theni.

9. Accordingly, the Criminal Appeal is allowed and the order, dated 29.10.2025 made in Crl.M.P.No.279 of 2025 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (PoA) Act Cases, Theni, is set aside. 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 Special Court for Trial of SC/ST (PoA) Act Cases, Theni, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Theni, may obtain a copy of their valid identity card to ensure their identity.



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(b) the first appellant is directed to appear before the second respondent police daily at 10.30 am, until further orders and the second appellant is directed to appear before the second respondent police as and when required for interrogation;

(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 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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To

- 1.The Sessions Judge, Special Court for
Trial of SC/ST (PoA) Act Cases, Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam Division, Theni District.
- 3.The Inspector of Police,
Periyakulam Police Station,
Theni District.
- 4.The Superintendent of Prison,
District Prison, Theni.
- 5.The Superintendent of Prison,
Sub Jail or Women, Nilakkottai.
- 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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K.MURALI SHANKAR,J.

das

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