



Crl.A.(MD)No.1182 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.1182 of 2025

1.Santhosh

2.Vignesh

...Appellants/
Petitioners/
Accused 1 & 3

Vs.

1.The State of Tamil Nadu represented by
Deputy Superintendent of Police,
Nanguneri Sub Division,
Tirunelveli District.

2.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.302 of 2025)

...Respondents/
Complainants

3.Surya Bharathan

...3rd Respondent/
Defacto
Complainant

4.Dinesh

...4th Respondent/
Victim

1/8



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PRAYER: Criminal Appeal filed under Section 14A(2) of Scheduled Caste / Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, praying to call for the records pertaining to the order dated 31.10.2025 in Crl.M.P.No.477 of 2025 on the file of II Additional District and Sessions Court (PCR), Tirunelveli and to set aside the same and enlarge the appellants on bail in connection with Crime No.302 of 2025 on the file of the second respondent by allowing this criminal appeal.

For Appellants : Mr.R.Ponkarthikeyan

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

R3 & R4-Party-in-person

JUDGMENT

This Criminal Appeal has been filed seeking orders to set aside the order passed in Crl.M.P.No.477 of 2025, dated 31.10.2025, on the file of the II Additional District and Sessions Court (PCR), Tirunelveli, dismissing the petition for bail filed under Section 483 B.N.S.S.

2. The case of the prosecution is that there existed some dispute between the appellants / accused 1 and 3 community people and the third respondent / defacto complainant community people with regard to using



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of pathway and that on 20.10.2025 at about 04.30 p.m., when the third respondent was proceeding in a two wheeler along with the fourth respondent as a pillion rider, the appellants and the second accused waylaid them and abused them in filthy language by using their caste name and also attacked them and caused grievous injuries. On the basis of the complaint, a case in Crime No.302 of 2025 was registered by the second respondent police against the appellants and one Rahul, under Sections 126(2), 296(b) and 115(2) BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. The appellants are in judicial custody from 22.10.2025. The appellants filed a petition for bail in Crl.M.P.No.477 of 2025 and the same was dismissed by the learned II Additional District and Sessions Judge (PCR), Tirunelveli, on 31.10.2025. Challenging the same, the appellants have preferred this present Criminal appeal.

3. The learned counsel appearing for the appellants would submit that the appellants are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that on the basis of the complaint given by the sister of the second appellant herein, FIR



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came to be registered in Crime No.303 of 2025 against three persons including the respondents 3 and 4 for the offences under Sections 296(b), 131 and 351(2) BNS and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and in that case, the respondents 3 and 4 were already arrested and released on bail, that no one was seriously injured in the incident, that the second accused has already obtained direction before this Court and surrendered before the Court and thereafter released on bail and that the appellants are in judicial custody from 22.10.2025.

4. In response to the notice, the respondents 3 and 4 appeared in person before this Court and raised objections stating that if the appellants are released on bail, there is a possibility of life threat to them.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the appellants are having four previous cases each. But admittedly, they are not charged for any serious or heinous offence.

6. Considering the above facts and circumstances of the case and



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taking note of the counter case and also the fact that the appellants are in judicial custody from 22.10.2025, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 31.10.2025 made in Crl.M.P.No.477 of 2025 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 31.10.2025 made in Crl.M.P.No.477 of 2025 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli, is set aside. The appellants are ordered to be released on bail on their executing a 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 II Additional District and Sessions Court (PCR), Tirunelveli, 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 appellants shall stay at Trichy and report before the Inspector of Police, Cantonment Police



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Station, Trichy District daily at 10.30 a.m., 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 Sessions Judge / 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 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.

11.11.2025

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



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To

- 1.The II Additional District and Sessions Judge,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Nanguneri Sub Division,
Tirunelveli District.
- 3.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
- 4.The Inspector of Police,
Cantonment Police Station,
Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai District.



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K.MURALI SHANKAR, J.

csm

Judgment made in
Crl.A.(MD)No.1182 of 2025

Dated : 11.11.2025