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CRL.A.(MD).No.1196 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.11.2025

Delivered on : 21.11.2025

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.A(MD).No.1196 of 2025

Jesuraj

.. Appellant

Vs.

1.The Deputy Superintendent of Police,
Andipatti Sub-Division, Theni District.

2.State of Tamil Nadu rep.by
the Inspector of Police,
All Women Police Station,
Andipatti, Theni District.

3.Jeyasri

.. Respondents

PRAYER: Criminal Appeal filed under Section 14 A(2) of SC/ST (PoA) Act 2015, to call for the records relating to the impugned order passed by the learned Sessions Judge, Special Court for Trial of SC/ST Act Cases, Theni, in Cr.M.P.No.278 of 2025 and the same was dismissed on 30.10.2025 and set aside the same and consequently, release the appellant on bail in connection with the Crime No.35 of 2025 on the file of the second respondent police.

For Appellant : Mr.S.Sarvagan Prabhu,

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



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: Mr.J.Parekh Kumar, for R3.

JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.278 of 2025, dated 30.10.2025 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST Act Cases, Theni, dismissing the bail application filed under Section 483 of BNSS.

2. The case of the prosecution is that the defacto complainant and the first accused came to know each other through instagram and subsequently, both were in love; that the first accused had taken her to various places and promising to marry her, had sexual intercourse several times, but subsequently, citing the community of the complainant, the first accused refused to marry her and that the complainant and her grandmother went to the house of the accused and at that time, the first accused along with his parents abused her in filthy language and refused to accept her as their daughter-in-law. On the basis of the complaint lodged by the defacto complainant/3rd respondent, FIR came to be registered in Crime No.35 of 2025 on 06.10.2025 against the three accused persons for the offences under Sections 69, 296(b), 351(2) of BNS and Sections 3(1)(w)(i), 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (PoA) Amendment Act 1989.



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3.It is not in dispute that the first accused is the son of the second accused/appellant herein and the third accused. It is also not in dispute that the appellant moved an application under Section 483 of BNSS, seeking bail in Crl.M.P.No.278 of 2025 before the Special Court for trial of cases under SC/ST (PoA) Act and the learned Sessions Judge, after enquiry, passed the impugned order, dated 30.10.2025, dismissing the bail application. Challenging the dismissal of the bail petition, the present appeal came to be filed.

4.The case of the appellant is that he is an innocent and is in noway connected with alleged occurrence and he has been falsely implicated in the above case. The learned counsel for the appellant would submit that the third respondent/defacto complainant levelled all the allegations against the first accused and at the fag end of the complaint, the complainant purposely added the parents of the first accused so as to give weightage to the case of the complainant ; that there was no occurrence as alleged by the third respondent; that the appellant was arrested on 07.10.2025 and is in judicial custody till now; that he is not having any bad antecedents and that therefore, he may be enlarged on bail.



5. The learned counsel for the third respondent/defacto complainant would submit that the first accused taking advantage of the innocence of the defacto complainant, by promising to marry her, had taken her to various places and had physical relationship so many times, but subsequently, he refused to marry her stating that his parents were not consenting as she is belonging to SC community; that when the third respondent along with her grandmother went to the house of the accused, the first accused by abusing her in filthy language using caste name and attempted to send her forcibly out of the house and that the appellant including his parents had abused the third respondent in filthy language and refused to accept her as their daughter-in-law; that the third accused is still absconding and that if the appellant is released on bail, he will hamper the investigation and that the complainant is apprehending threat to her life.

6. The learned Government Advocate (Criminal Side) appearing for the State would submit that the first accused promising to marry the third respondent had sexual intercourse with her on several occasions and thereafter, refused to marry her on the ground that his parents were not consenting and that when the same was questioned, all the accused persons abused her in filthy language using caste name and threatened with dire consequences. He would further submit that originally the third respondent



lodged a complaint before the Nilakkotti All Women Police Station and on that basis, FIR was registered; that when the accused were called for enquiry, they absconded from their place and that therefore, Zero FIR was transferred to Andipatti All Women Police Station and the present FIR in Crime No.35 of 2025 was registered; that the accused 1 and 2 were secured from the place, which is 60 kilometre away from their native place and they were remanded to judicial custody; that the accused including the appellant are influential persons and that they are having objections to release the appellant on bail. He would also submit that the appellant is not having any bad antecedents.

7.The learned counsel for the appellant would submit that the third respondent is not an illiterate lady, she had completed BA., Economics at Andipatti Government Arts College; that though the entire allegations were levelled against the first accused with an evil motive, the third respondent added the appellant and his wife as if they had also abused the third respondent and refused to accept her as their daughter-in-law; that the third accused has obtained directions from this Court for surrender before the concerned Court and as such, she is not absconding as alleged by the prosecution and that since the appellant is in judicial custody for the past 42 days and taking note of his age, he may be released on bail.



8. As rightly contended by the learned counsel for the appellant, in the FIR, the third respondent levelled allegations against the first accused, but in the last sentence, she had stated that she went to the house of the first accused, the appellant and her wife had abused her and refused to accept her as their daughter-in-law. It is not in dispute that the first accused and the present appellant were arrested on 07.10.2025.

9. 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 07.10.2025, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 30.10.2025 made in CrI.M.P.No.278 of 2025 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Theni.

10. Accordingly, the Criminal Appeal is allowed and the order, dated 30.10.2025 made in CrI.M.P.No.278 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 Vilupuram and report before the Inspector of Police, Town Police Station, Vilupuram daily at 10.30 am, until further orders.

(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.

21.11.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The Sessions Judge, Special Court for Trial of SC/ST Act Cases, Theni.
- 2.The Deputy Superintendent of Police, Andipatti Sub-Division, Theni District.
- 3.The Inspector of Police, All Women Police Station, Andipatti, Theni District.
- 4.The Superintendent of Prison, District Jail, Thekkampatti, Theni District.
- 5.The Additional Public prosecutor, Madurai Bench of Madras High Court, Madurai.
- 6.The Section Officer, Criminal Section, Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

das

Pre-delivery order made in
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