



Crl.A.(MD)No.1193 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.11.2025

Pronounced on : 21.11.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.A.(MD)No.1193 of 2025

S.Mariyappan

... Appellant/
Petitioner

Vs.

1.State of Tamil Nadu represented by
The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2.State of Tamil Nadu represented by
The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
(Crime No.176 of 2018)

...Respondents 1&2/
Complainants

3.Anjammal

...3rd Respondent/
Defacto
Complainant

Prayer : This Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989 & Amended by Act 1/2016, to call for the entire records



Crl.A.(MD)No.1193 of 2025

relating to order dated 16.10.2025 passed in Crl.M.P.No.211 of 2025 on the file of the learned Special Court for Trial of SC/ST Act cases, Pudukkottai and set aside the same as arbitrary and consequently order to release the appellant on bail in connection with Crime No.176 of 2018 on the file of the second respondent police.

For Appellant : Mr.B.Sargunam

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side) for R1 & R2

R3 – party-in-person

JUDGMENT

The Criminal Appeal is directed against the order passed in Crl.M.P.No.211 of 2025 in Spl.S.C.No.136 of 2019 dated 16.10.2025 on the file of the Special Court for Trial of SC/ST Act cases, Pudukkottai, dismissing the application for bail filed under Section 483 B.N.S.S.

2. The case of the prosecution is that the third respondent / defacto complainant belongs to scheduled community and a widow, that there existed previous enmities between the third respondent and the appellant / sole accused and a criminal case is pending before the Court of Judicial Magistrate, Aranthangi, that on 13.11.2018 at about 10.00 p.m., the appellant quarreled with the third respondent and abused her in filthy



Crl.A.(MD)No.1193 of 2025

language using caste name and when the same was questioned by the third respondent and others, the appellant brutally attacked them with stone and caused injuries and that the third respondent was admitted in Government Hospital, Avudaiyarkovil and thereafter, she was sent to Government Hospital, Aranthangi for further treatment. On the basis of the complaint lodged by the third respondent, FIR came to be registered in Crime No. 176 of 2018 for the offences under Sections 294(b) and 336 IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of SC/ST (POA) Act. After completing the investigation, charge sheet was filed and the case was taken on file in Spl.S.C.No.136 of 2019 and the same 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 appellant failed to appear before the trial Court on 01.09.2025, leading to issuance of Non-Bailable Warrant (NBW) and on 19.09.2025, the appellant was arrested and remanded to judicial custody and that the appellant moved an application seeking bail in Crl.M.P.No.211 of 2025 under Section 483 B.N.S.S. but the same was dismissed vide order dated 16.10.2025. Challenging the dismissal of the bail application, the present appeal came to be filed.



Crl.A.(MD)No.1193 of 2025

WEB COPY

4. The case of the appellant is that the offences alleged as against him are not of such gravity warranting continued detention, that his absence on 01.09.2025 was neither willful nor deliberate but due to circumstances beyond his control, that he is innocent and is no way connected with the alleged occurrence and he has been falsely implicated in the above case and that since he is in judicial custody from 19.09.2025, he may be enlarged on bail.

5. In response to the notice received, the third respondent appeared in person before this Court and raised serious objections. She would submit that she is a widow living with her four children, that the appellant, who is a neighbor, had always been disturbing and troubling her and her family, that the appellant in drunken mode used to quarrel with them very often, that a criminal case is already pending against the appellant before the Court of Judicial Magistrate, Aranthangi, that subsequently, the appellant abused her and her son in filthy language using caste name and when the same was questioned, he attacked them with stone and caused injuries and also caused criminal intimidation, that if the appellant is released on bail, he would continue his threatenings and that therefore, she is having serious objections to grant bail.



Crl.A.(MD)No.1193 of 2025

6. The first respondent police filed a counter affidavit raising objections.

7. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that NBW was earlier issued against the appellant on 17.04.2021 and again on 16.02.2023, that since the appellant failed to appear on 01.09.2025 and as there was no representation for the appellant, NBW was ordered to be issued, that subsequently, the appellant was arrested on 19.09.2025 and was remanded to judicial custody, that the appellant alone has been dragging on the trial and only due to his non-cooperation, the case is pending for the past six years and that already two witnesses came to be examined and the case stands posted to 18.11.2025 for examination of L.W.3 to L.W.5.

8. When the appeal was taken up on 11.11.2025, considering the fact that the present special sessions case is pending for the past six years without any progress, this Court directed the Registry to call for a report from the concerned Court. In pursuance of the same, the learned Additional District Judge submitted a report dated 13.11.2025 stating that



Crl.A.(MD)No.1193 of 2025

the appellant was arrested on 19.09.2025 by executing the warrant and was remanded to judicial custody, that L.W.2 was examined as P.W.2 on 07.10.2025 and summons sent to the other witnesses are awaited and that the case will be disposed of within few months after full trial.

9. As rightly pointed out by the learned Government Advocate (Criminal Side), the above case is pending for the past six years without progress and now only two witnesses came to be examined. Moreover, NBW was issued against the appellant for the third time.

10. Considering the above facts and circumstances and taking note of the facts that Non-Bailable Warrant (NBW) was issued against the appellant for the third time, the pendency of the case for the past six years without substantial progress and the period of incarceration, this Court is not inclined to grant bail to the appellant. Hence, the impugned order dismissing the bail application cannot be found fault with. Consequently, this Court concludes that the criminal appeal, which is devoid of merits, is liable to be dismissed.

11. Notably, Section 14(3) of the SC/ST (POA) Act mandates that in



Crl.A.(MD)No.1193 of 2025

WEB COPY

every trial in the Special Court the proceedings shall be continued from day-to-day until all the 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. Since this Court is not inclined to enlarge the appellant on bail, the trial Judge is to be directed to complete the trial as per the time frame to be fixed. In the present case, the case is pending for the past six years without any progress.

12. In the result, this Criminal Appeal is dismissed. The learned Special Sessions Judge, Special Court for Trial of SC/ST Act cases, Pudukkottai, is directed to complete the trial in Spl.S.C.No.136 of 2019 and dispose of the same within a period of two months from the date of receipt of a copy of this judgment and to submit a report to this Court.

21.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

7/10



Crl.A.(MD)No.1193 of 2025

WEB COPY

- 1.The Special Sessions Judge,
Special Court for Trial of SC/ST (POA) Act cases,
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Pudukkottai,
Pudukkottai District.
- 3.The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.A.(MD)No.1193 of 2025



WEB COPY



Crl.A.(MD)No.1193 of 2025

K.MURALI SHANKAR,J.

csn

Pre-Delivery Judgment made in
Crl.A.(MD)No.1193 of 2025

Dated : 21.11.2025