



CRL.A.(MD).No.1215 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.11.2025

Delivered on : 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No.1215 of 2025

Jose Mariyaragul

.. Appellant

Vs.

1.State of Tamil Nadu
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.
Crime No.35 of 2025.

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.261 of 2025 and the same was dismissed on 24.10.2025 and set aside the same and consequently, release the appellant



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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.

: Mr.J.Parekh Kumar, for R3.

JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.261 of 2025, dated 24.10.2025 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 appellant/A1 refused to marry her and that the complainant and her grandmother went to the house of the accused and at that time, the appellant



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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.

3.It is not in dispute that the appellant/first accused is the son of the accused 2 and 3. It is also not in dispute that the appellant along with his father/A2 moved an application under Section 483 of BNSS, seeking bail in Crl.M.P.No.261 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 24.10.2025, dismissing the bail application. Challenging the dismissal of the bail petition, the first accused preferred the present appeal.

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 in order to harass the



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appellant and his family members lodged the above false complaint without any material to implicating the appellant in the above case; that the appellant was arrested on 07.10.2025 and is in judicial custody till now; that the appellant is not having any bad antecedents, that he is ready to co-operate with the investigation and that therefore, he may be enlarged on bail. He would further submit that the second accused was granted bail by this Court in Crl.A(MD)No.1196 of 2025 vide order, dated 21.11.2025.

5. The learned counsel for the third respondent would submit that the appellant is the main accused; that the appellant knowing the community of the defacto complainant, by promising to marry her, had sexual intercourse on several occasions, but subsequently, deserted the defacto complainant and when the same was questioned, the appellant informed that his parents will not accept the defacto complainant as she is belonging to SC community; and that when the defacto complainant along with her grandmother went to the house of the accused, the appellant abused her in filthy language using caste name and attempted to send her forcibly out of their house and that the appellant's parents had refused to accept the defacto complainant as their daughter-in-law and that therefore, the defacto complainant was forced to lodge complaint immediately.



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6. He would further submit that when the complaint was lodged before the Nilakottai All Women Police, the appellant including his parents were directed to appear for enquiry, but all the accused had absconded and that therefore, Nilakottai All Women Police Station transferred Zero FIR to Antipatti All Women Police Station, who in turn registered the present FIR and that if the appellant is released on bail, there is a potential threat to her life and he may tamper the witnesses and that therefore, the appeal may be dismissed.

7. The learned Government Advocate (Criminal Side) appearing for the State would submit that the Appellant/A1 promising to marry the third respondent had physical relationship 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 since the accused persons had not turned up for the enquiry, Nilakottai All Women Police Station transferred the Zero FIR to the Andipatti All Women Police Station, who in turn registered the present FIR in Crime No.35 of 2025 and that the



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appellant and the second accused were secured from the place, which is 60 kilometre away from their native place; that the accused including the appellant are influential persons and that they are having serious objections to release the appellant on bail. He would also submit that the appellant is not having any bad antecedents.

8. The learned Government Advocate (Criminal Side) appearing for the State would further submit that the second accused father of the appellant was enlarged on bail by this Court on 21.11.2025; that the appellant cannot be equated with the second accused, as serious allegations were levelled against the appellant and that therefore, the contention of the appellant that the co-accused was released on bail, is not a ground to enlarge the appellant on bail.

9. As rightly contended by the learned Government Advocate (Criminal Side), just because the second accused father of the appellant was granted bail, considering the gravity of the charges levelled against the appellant, that by itself is not a ground sufficient enough to enlarge the appellant on bail.



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10. Considering the above facts and circumstances of the case, gravity of the offences alleged, period of incarceration and the pendency of the investigation, this Court is not inclined to grant bail to the appellant and as such, the impugned order dismissing the bail petition cannot be found fault with. Consequently, this Court concludes that the Criminal appeal is devoid of merits and the same is liable to be dismissed.

11. In the result, the Criminal Appeal is dismissed.

28.11.2025

NCC : Yes/No
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K.MURALI SHANKAR, J.

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 Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Pre-delivery order made in
CRL.A(MD).No.1215 of 2025

28.11.2025