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CRL.A.(MD).No.1257 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.11.2025

Delivered on : 28.11.2025

CORAM

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

CRL.A(MD).No.1257 of 2025

Anbuselvan

.. Appellant

Vs.

1.State of Tamil Nadu rep.by
The Deputy Superintendent of Police,
Singampunari Division, Sivagangai.

2.The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
Crime No.209 of 2025.

3.Selvi

.. 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 Special Court for Exclusive Trial of cases SC/ST (PoA) Act Cases, Sivagangai, in Cr.M.P.No.335 of 2025 and the same was dismissed on 14.11.2025 and set aside the same and consequently, release the appellant on bail in connection with the Crime No.209 of 2025 on the file of the second respondent police.

For Appellant : Mr.T.Veerakumar,



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

: Third respondent
Party-in-person

JUDGMENT

The Criminal Appeal is directed against the order passed in Cr.M.P.No.335 of 2025, dated 14.11.2025 on the file of the Special Court for Exclusive Trial of cases SC/ST (PoA) Act Cases, Sivagangai, dismissing the bail application filed under Section 483 of BNSS.

2. The case of the prosecution is that the third respondent/defacto complainant belongs to the schedule caste community and is a widow; that she is having two female children and a male child; that whenever she was going for work, the accused followed her with bad intention; that the third respondent questioned his acts and made a complaint to the village elders and that on 28.10.2025 at about 09.00 pm, the accused abused her in filthy language using caste name and caused criminal intimidation. On the basis of the complaint lodged by the defacto complainant/3rd respondent, FIR came to be registered in Crime No.209 of 2025 on 03.11.2025 against the appellant/accused for the offences under Sections 296(b), 351(2) of BNS and Sections 3(1)(r), 3(1)(s) of SC/ST (PoA) Act 1989.



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3.It is not in dispute that the first respondent, after completing the investigation, filed a final report and the same was taken on file in Spl.S.C.No.49 of 2025 and the same is pending on the file of the Special Court for Exclusive trial of cases under SC/ST (PoA) Act. The appellant moved an application under Section 483 of BNSS, seeking bail in Cr.M.P.No.335 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 14.11.2025, 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 person and is in noway connected with alleged occurrence and he has been falsely implicated in the above case; that there is no specific allegation in the third respondent's case and the third respondent has simply stated that she was abused by caste vice; that the appellant and the third respondent are residing in the same locality and due to civil disputes, the above false case was filed against him; that the appellant was arrested on 04.11.2025 and is judicial custody till now and that since he is not having any bad antecedents, he may be enlarged on bail.



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5. In response to the notice received, the third respondent/defacto complainant appeared in person and raised objections stating that she is living with her two female children and the accused has been following her and threatening her very often and that she is apprehending danger to her and her family members.

6. The first respondent filed counter affidavit raising serious objections. The learned Government Advocate (Criminal Side) appearing for the State would submit that the first respondent during investigation examined 14 witnesses including eye witnesses; that the appellant has committed offence against the third respondent and her modesty; that if the appellant is released on bail, there is a chance for absconding and for threatening the witnesses and that the learned Sessions Judge considering the objections raised, has rightly dismissed the bail petition. He would also submit that the appellant is not having any previous cases.

7. Considering the nature of charges levelled and also the fact that the investigation has already been completed and the charge sheet has been laid and the period of incarceration and that the appellant is not having any previous cases, this Court is inclined to allow the Criminal Appeal by



setting aside the order, dated 14.11.2025 made in Cr.M.P.No.335 of 2025 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Sivagangai.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 14.11.2025 made in Cr.M.P.No.335 of 2025 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Sivagangai, 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 Special Court for Trial of Cases under SC/ST (PoA) Act, Sivagangai, and on further conditions that:

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

(b) the appellant shall stay at Mayiladuthurai and report before the Inspector of Police, Mayiladuthurai Police Station, 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.

28.11.2025

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

To

- 1.The Sessions Judge, Special Court for Trial of SC/ST Act Cases, Sivagangai.
2. The Deputy Superintendent of Police, Singampunari Division, Sivagangai.
- 3.The Inspector of Police, Singampunari Police Station, Sivagangai District.



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- 4.The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.
- 5.The Superintendent of Prison,
District Prison, Ramanathapuram.
- 6.The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 7.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
CRL.A(MD).No.1257 of 2025

28.11.2025