



Crl.A.(MD).No.1263/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 10.12.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL.A.(MD).No.1263/2025

1.Karthikeyan
2.Vishnu
3.Indrajith .. Appellants

Versus

1.The Deputy Superintendent of Police
Thirumangala Sub Division.

2.The State of Tamil Nadu
rep.by its
The Inspector of Police
Perungudi Police Station
Madurai District.
[Cr.No.128/2025]

3.Chinnathambi .. Respondents

Prayer:- Criminal Appeal filed under Section 14A[2] of SC/sT Act, 1989 as amended by Act 1 of 2016, to set aside the order dated 06.10.2025 passed in Crl.MP.No.355/2025 in Crime No.128/2025 on the file of the learned III Additional District and Sessions Judge [FAC], Madurai, Madurai District.

For Appellants : Mr.Kannan.S
For RR 1 & 2 : Mr.B.Nambi Selvan, APP
For R3 : Mr.S.Ramesh Kumar



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JUDGMENT

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- (1)The Criminal Appeal is directed against the order dated 06.10.2025, passed in CrI.MP.No.355/2025 in Crime No.128/2025 on the file of the learned III Additional District and Sessions Judge [FAC], Madurai, Madurai District.
- (2)The appellants are arrayed as accused No.1 to 3 in Crime No.128/2025 on the file of the 2nd respondent police.
- (3)The case of the prosecution is that the defacto complainant / 3rd respondent herein, belongs to Hindu Chakkiliyar community. On 31.08.2025, at about 09.00 a.m., the son of the defacto complainant, a drummer, went to attend his duty and at about 2.00 p.m., the defacto complainant was informed that the accused persons, 9 in number, including the appellants herein, on account of wordy quarrel, had assaulted the deceased by using their hands and legs and abused him in filthy language, as a result of which, the deceased succumbed to the injuries. On the basis of the complaint lodged by the 3rd respondent herein, a case in Crime No.128/2025 was registered on the same day, i.e., on 31.08.2025, by the 2nd respondent police against the accused persons



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under Sections 191[2], 296[b], 351[2] and 105 BNS @ Sections 191[2], 296[b], 103 and 351[2] of BNS and Sections 3[1][r], 3[1][s] and 3[2][v] of SC/ST [POA] Act, 1989. The appellants are in custody from 01.09.2025. The Bail Petition filed by the appellants before the Court below, in CrI.MP.No.355/2025, was dismissed on 17.11.2025. Hence, this appeal.

(4)The learned counsel for the appellants submitted that the appellants are innocent and are in no way connected with the alleged occurrence and they have been falsely implicated in the above case. The learned counsel submitted that the appellants are in judicial custody from 01.09.2025 to till date and that, they have no bad antecedents. The learned counsel submitted that even according to the case of the prosecution, the appellants have not used any lethal weapons to attack the deceased and that, they have attacked him using only their hands and legs. The learned counsel further submitted that the co-accused, namely, A4 and A6, were granted bail by this Court, on 14.11.2025, in CrI.A.(MD).No.1161/2025.

(5)The 3rd respondent / defacto complainant filed a counter affidavit raising objections for grant of bail to the appellants herein.

(6)The learned counsel for the 3rd respondent submitted that the 3rd



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respondent's son was brutally murdered by a group of 9 persons including the appellants herein and that the appellants are influential persons and if they are enlarged on bail, they will indulge in tampering the evidences and will never cooperate with the investigation. The learned counsel further submitted that the appellants are habitual offenders and that, there is also a possibility of danger to the life of the defacto complainant. The learned counsel submitted that the learned III Additional District and Sessions Judge, [FAC], considering the objections, has rightly dismissed the bail petition and therefore, submitted that the appeal be dismissed.

(7)The learned Additional Public Prosecutor, appearing for the respondents 1 and 2 submitted that the accused persons including the appellants were arrested on 01.09.2025 and are in judicial custody till date. The learned Additional Public Prosecutor, submitted that the 7th accused is a juvenile and hence, he was produced before the concerned authority. The learned Additional Public Prosecutor, further submitted that since the appellants and the defacto complainant belong to the same locality, there is an apprehension of law and order situation and that, if the appellants are granted bail, there is chance of absconding and tampering the witnesses and evidence. The learned Additional Public Prosecutor further



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submitted that upon completion of investigation, the charge sheet was filed on 31.10.2025 before the concerned Court and the same is yet to be taken on file. The learned Additional Public Prosecutor submitted that the appellants have no bad antecedents.

(8) Heard both sides and perused the materials placed on record.

(9) It is seen that this Court, earlier, on 14.11.2025, in CrI.A.(MD).No. 1161/2025, set aside the impugned order dated 06.10.2025 made in CrI.MP.No.276/2025, in respect of the co-accused, viz., A4 and A6, and granted bail to them subject to certain conditions.

(10) The operative portion of the order dated 14.11.2025, reads as follows:-

*"11. Accordingly, the Criminal Appeal is allowed and the impugned order, dated 06.10.2025 made in CrI.M.P.No.276 of 2025 on the file of the III Additional District and Sessions Court (PCR), Madurai, 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 III Additional District and Sessions Court (PCR), Madurai, and on further conditions that:*

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity;

(b) the appellants shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, Chengalpattu 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)In view of the aforesaid order of this Court, the present Criminal Appeal is **allowed** and the impugned order dated 06.10.2025 passed in



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CrL.MP.No.355/2025 in Crime No.128/2025 on the file of the learned III

Additional District and Sessions Judge [FAC], Madurai, Madurai District,

is set aside. ***The appellants herein 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 learned III Additional District and Sessions Judge (PCR), Madurai, 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 Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, Chengalpattu 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



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS."

10.12.2025

AP

Index : Yes/No

Internet : Yes/No

NCC : Yes/No



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- 1.The Deputy Superintendent of Police
Thirumangala Sub Division.
- 2.The Inspector of Police
State of Tamil Nadu
Perungudi Police Station
Madurai District.
- 3.The Public Prosecutor
Madurai Bench of Madras High Court
Madurai.
- 4.The I Additional District and Sessions Judge [FAC]
Madurai District.



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N.MALA, J.,

AP

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