



WEB COPY

CrI A No. 33 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CrI.A.No. 33 of 2026

Sivakumar

..Appellant(s)

Vs

1. The State rep.by its,
The Superintendent of Police,
Salem District.
2. The State rep.by its,
The Deputy Superintendent of Police,
Attur Sub Division,
Salem District.
3. The Inspector of Police,
Attur Rural Police Station,
Attur,
Salem District.
Cr.No.344/2025.
4. Mookan

..Respondent(s)

Prayer: This Criminal appeal has been filed u/s.14(A)(2) of SC/ST Act, 1989 seeking to set aside the order passed by Section 109(1) of BNS and Section 3(2)(V) of SC/ST (POA) Act, Salem district in CrI.MP.No.337 of 2025 dated 02.01.2026 and enlarge the appellant on bail in Cr.No.344 of 2025 pending on



the file of Attur Rural Police Station, Salem District.

For Appellant(s):

Mr.T.Ganesan

For Respondent(s):

Mr.S.Balaji

Government Advocate (Crl.Side)

for R1 to R3

M/s.Sridevi, Legal Aid Counsel for R4

JUDGMENT

This criminal appeal has been filed seeking to set aside the order passed in Crl.MP.No.337 of 2025 dated 02.01.2026 and enlarge the appellant on bail in Cr.No.344 of 2025 pending on the file of Attur Rural Police Station, Salem District.

2. The case of the prosecution is that the appellant was aggrieved by the fact that his father had not allotted any property in his favour ; that the said property was given on lease to the deceased ; that on the date of occurrence, the appellant had mixed poison in the liquor consumed by the appellant's father and the deceased. The deceased died six days after consumption of the liquor and the appellant's father survived. The appellant sought for bail before the trial Court which came to be dismissed by the impugned order dated 02.01.2026.

3. The learned counsel for the appellant submits that the appellant is in custody from 24.10.2025; that the case is based on circumstantial evidence; that



the appellant has not produced any material on record to conclusively establish the guilt of the appellant; that in any case, the final report has not been filed and the case was taken up on file in Spl.S.C.No.2 of 2026 and hence the appellant may be released on bail.

4. The learned Government Advocate (Crl.Side) submits that the appellant has committed a heinous offence and had gone to the extent of attempting to cause the death of his own father by mixing poison in liquor and had caused the death of the lessee of the property and that if the appellant is released on bail, he would tamper with the witnesses.

5. Though the notice had been served on the de facto complainant, since none appeared, this Court had appointed Ms.S.Sridevi, as legal aid counsel to assist this Court on behalf of the fourth respondent / victim. Today when the matter was taken up for hearing, Ms.S.Sridevi, reiterated the case of the prosecution and opposed the grant of bail.

6. The appellant is in custody from 24.10.2025. The respondent Police filed the final report on 02.01.2026 and the case has already been taken on file. The case is based on circumstantial evidence. It is for the prosecution to establish the circumstantial evidence against the appellant.



7. Considering the facts and circumstances of the case, this Court is of the view that further custody of the appellant is not required for the purpose of investigation or trial. Hence, this Court is inclined to set aside the impugned order dated 02.01.2026 in Crl.M.P.No.337 of 2025 and release the appellant on bail on stringent conditions;

(i) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for trial of cases under SC and ST (PoA) Act, Salem;

(ii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court; and

(iii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iv) The appellant shall appear before the trial



Court on all hearings;

(v) The respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.

(vi) The appellant shall not commit any offences of similar nature;

(vii) The appellant shall not abscond either during investigation or trial;

(viii) The appellant shall not tamper with evidence or witness either during investigation or trial;

(ix) On breach of any of the aforesaid conditions, the learned Sessions Judge/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 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]*;

(x) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



8. In view of the above, the impugned order, dated 02.01.2026 in Crl.M.P.No.337 of 2025 passed by the learned Special Court for trial of cases under SC and ST (PoA) Act, Salem, is set aside and the Criminal Appeal is allowed.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

rap



To

1. The Superintendent of Police,
Salem District.
2. The Deputy Superintendent of Police,
Attur Sub Division,
Salem District.
3. The Inspector of Police,
Attur Rural Police Station,
Attur,
Salem District.
Cr.No.344/2025.
4. The Public Prosecutor,
High Court, Madras.
5. The Special Court for trial of cases under SC
and ST (PoA) Act, Salem
6. The Central Prison, Salem



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SUNDER MOHAN, J.

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