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*Crl.A. No. 18 of 2026*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2026

CORAM

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.A. No. 18 of 2026

Divakar

..Appellant/Petitioner/Accused

Vs.

1.The State Rep. By  
Assistant Commissioner of Police,  
Namakkal,  
Namakkal District.

2.The Inspector of Police,  
Namakkal Police Station,  
Namakkal District  
(Crime No.426 of 2025)

...Respondents/Respondents/  
Complainants

3.Mahalakshmi

.. 3<sup>rd</sup> Respondent/Victim

Prayer: Criminal Appeal filed under Section 14 (A) (2) SC & ST of Prevention of Atrocities Act r/w 415(2) of BNSS, Act 2023, to set aside the order made in Crl.M.P.No.234 of 2025, on the file of Special Court of Trial of Cases Registered Under SC/ST(POA) Act, Namakkal, dated 02.01.2026 in Crime No.426 of 2025 on the file of the 2<sup>nd</sup> Respondent by allowing the



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present appeal and enlarging him on bail.

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For Appellant :: Mr.C.S.Saravanan

For Respondents :: Mr.S.Balaji,  
Government Advocate(Crl.Side)  
for R1 & R2  
Mr.M.Mohamed Saifulla  
Legal Aid Counsel for R3

### **J U D G M E N T**

The appeal challenges the dismissal of the bail petition filed by the appellant, who is arrayed as A4 in Crime No.426/2025 registered for the offences under Section 103(1)61(2) BNS r/w 3(2)(va) of SC/ST (PoA) Act.

2.The case of the prosecution is that the first and second accused are friends; that the deceased was known to both of them; that the deceased had commented about the character of the mother of the first accused; that therefore, the first and second accused along with the appellant and third accused had conspired to do away with the deceased; that on the date of occurrence, the third accused had informed to the first two accused about the whereabouts of the deceased, who in turn caused the death of the deceased by stabbing him with knife; that the appellant has subsequently assisted the



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other accused in hiding the blood stained clothes and providing fresh clothes to the accused. The appellant sought for bail, which was dismissed by the impugned order.

3.The learned counsel for the appellant would submit that the appellant has no bad antecedent; that the first accused is a juvenile accused; that the appellant was not involved in the alleged occurrence. He therefore submitted that considering the nature of allegation and the period of incarceration, the appellant may be released on bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that the investigation has been completed; that though the appellant was not involved in the alleged occurrence of murder he had assisted the other accused in screening the offence; and that final report has been filed, which is yet to be taken on file.

5.When notice was served to the third respondent/defacto complainant, she had sought for legal assistance. Hence, this Court had appointed Mr.M.Mohamed Saifulla, as the Legal Aid Counsel to assist her.



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6.Mr.M.Mohamed Saifulla, the learned Legal Aid Counsel submitted that the appellant is involved in a grievous offense; that if he is released on bail, he would tamper with the witnesses; and hence, the appeal may be dismissed.

7. Considered the rival submissions and perused the materials on record.

8.Admittedly, the appellant is not involved in the alleged offence of murder. The only allegation against him is that he had assisted the other accused in concealing the blood strained clothes and had provided fresh clothes to the other accused. The appellant is in custody from 04.09.2025. The respondent have filed the final report. Considering the above said facts and the period of incarceration, this Court is inclined to set aside the impugned order and release the appellant on bail on stringent conditions;

(i) The appellant shall execute 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 learned Sessions Judge, Special



Court for trial of cases registered under SC/ST(POA)  
Act, Namakkal;

(ii) 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;

(iii) the appellant shall appear before the trial Court on all hearings;

(iv) 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.

(v) the appellant shall not commit any offences of similar nature;

(vi) the appellant shall not abscond either during investigation or trial;

(vii) the appellant shall not tamper with



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evidence or witness either during investigation or trial;

(viii) 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]*;

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

9. In view of the above, the impugned order, dated 02.01.2026 in Crl.M.P.No.234 of 2025 passed by the learned Special Court for Trial of Cases Registered under SC/ST(POA) Act Namakkal, is set aside and the Criminal Appeal is allowed.

23.01.2026

Neutral Citation: Yes/No  
Tsg

Note: Issue order copy on 23.01.2026



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- 1.The Assistant Commissioner of Police,  
Namakkal,  
Namakkal District.
- 2.The Inspector of Police,  
Namakkal Police Station,  
Namakkal District
- 3.The Special Court for Trial of Cases  
Registered under SC/ST(POA) Act Namakkal.
- 4.The Superintendent,  
Central Prison, Salem.
- 4.The Public Prosecutor,  
High Court, Madras.



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**SUNDER MOHAN,J.**

Tsg

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