



Crl.A. No. 35 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.A. No. 35 of 2026

R.K. Girivasan,
S/o. Rajalingam,
49/21, Periyannan Street,
Namakkal Town,
Namakkal District.

..Appellant

Vs.

1. The State rep. By
The Deputy Superintendent of Police,
Namakkal District.
2. State rep. By
Inspector of Police,
Namakkal Police Station,
Namakkal District.
3. S. Poongodi
D/o.Chandrasekar,
VAO, Namakkal Taluk,
Namakkal District.
4. Premkumar,
D.No. 235, D-Block,
Housing Board,



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Kondichettipatty,
Namakkal.

..Respondents

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Prayer: Criminal Appeal filed under Section 14 (A) Scheduled Castes & Scheduled Tribes (Prevention of Atrocities Act), 1989 to set aside the order dated 17.12.2025 passed in Crl.M.P. No. 228 of 2025 by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, Namakkal and enlarge the appellant on bail.

For Appellant :: Mr.R. Vivekananthan

For Respondents :: Mr.S. Rajakumar,
Additional Public Prosecutor,
for R1 & R2
Mr. Mohamed Saifulla
Legal Aid Counsel for R4

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 A3 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. 1989.

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



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had commented about the character of the mother of the first accused; that therefore, the first and second accused along with the appellant and fourth accused had conspired to do away with the deceased; that the appellant had assisted the other accused by reporting to them about the movement of the victim and that on the date of occurrence, the appellant had informed the first two accused about the whereabouts of the deceased, who in turn caused the death of the deceased by stabbing him with knife. 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 antecedents; 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. The learned counsel further submitted that the appeal filed by similarly placed co-accused A4 was allowed by this Court in Crl.A. No. 18 of 2026.

4. The learned Additional Public Prosecutor appearing for respondents 1 and 2 would submit that the investigation has been completed;



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that though the appellant was not involved in the alleged occurrence of murder, he had assisted the other accused by reporting to them about the movement of the victim and that final report has been filed, which is yet to be taken on file.

5. Notice was served on the fourth respondent/the father of the deceased. He appeared in person and sought legal assistance. Hence, this Court had appointed Mr.Mohamed Saifulla, as Legal Aid Counsel to assist him. In fact, the said counsel assisted the victim in the bail application filed by A4.

6. Mr.Mohamed Saifulla, the learned Legal Aid Counsel submitted that the appellant is involved in a grievous offence; 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.



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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 by reporting to them about the movement of the victim. The appellant is in custody from 04.09.2025. The respondent Police have filed the final report. This Court had allowed the appeal filed by A4. 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;



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(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 offence of similar nature;

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

(vii) the appellant shall not tamper with 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



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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 17.12.2025 in Crl.M.P.No.228 of 2025 passed by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST(POA) Act , Namakkal, is set aside and the Criminal Appeal is allowed.

28.01.2026

Neutral Citation: Yes/No

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(Note to Office: Issue order copy today
28.01.2026)

To

1. The Sessions Judge,
Special Court for trial of cases
registered under SC/ST (POA)Act.
2. The Deputy Superintendent of Police,
Namakkal District.

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SUNDER MOHAN,J.

nv

3. The Inspector of Police,
Namakkal Police Station,
Namakkal District.
4. The Superintendent,
Central Prison, Salem.
5. The Public Prosecutor,
High Court, Madras.

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