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CRL OP No. 2389 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

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THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 2389 of 2026

Sridhar

..Petitioner

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Nagapattinam.
(Crime No. 18/2025)

..Respondent

Criminal Original Petition is filed under Section 528 of the BNSS, 2023, to direct the learned Principal District Judge, Nagapattinam to number the bail petition filed by the petitioner in Crl.M.P. (SR) No.15/2026 in Spl.S.C.No. 03/2025 on its file which was returned on 03.01.2026 and decide on merits within the time limit stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed to direct the learned Principal District Judge, Nagapattinam, to number the bail petition filed by the petitioner



in Crl.M.P. (SR) No.15/2026 in Spl.S.C.No. 03/2025 on its file which was returned on 03.01.2026 and decide the same on merits within the stipulated time.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an accused in Crime No.18 of 2025 for the offences punishable under Sections 69 of the BNS, read with Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. He was arrested and remanded to judicial custody on 11.04.2025. Earlier, he filed a bail application before the learned District and Sessions Judge, Nagapattinam in Crl.M.P.No.401 of 2025 and the learned Judge dismissed the same on 21.05.2025 against which, he filed Criminal Appeal No.1218 of 2025 before this Court and the same was also dismissed on 26.08.2025. Meanwhile, the respondent police had completed the investigation and filed a final report on 06.06.2025 and the case is now taken up for trial and thereby the petitioner had filed a fresh application for bail, whereas, the learned Judge had returned the second bail petition stating that it is not maintainable. The learned counsel for the petitioner further submitted that the petitioner has been in prison from 11.04.2025. Since there is no bar for consideration of the second bail application, that too, after completion of the investigation and the case is now taken up for trial, if the bail application is not numbered and orders are not passed on merits, the petitioner will be put to a grave hardship.



3. The learned counsel for the petitioner relied on the decision of a Division Bench of the High Court of Madhya Pradesh at Jabalpur in **Criminal Appeal No.9530 of 2024 and batch, dated 17.03.2025 [Dharam Singh Parihar vs. The State of Madhya Pradesh and Others]**. The Division Bench of the High Court of Madhya Pradesh at Jabalpur, following the order of a Division Bench of the High Court of Chhattisgarh in **Criminal Appeal No.1797 of 2022 (Dushyant Pandey vs. State of Chhattisgarh)**, has held that a party cannot be left remediless in the event of any changed circumstances and the aggrieved party has liberty to prefer a fresh application for bail before the Special Court and if such application is preferred, the same may be considered by the Special Court on any change in circumstances being demonstrated. It was also held that it is needless to mention that the Special Court or Exclusive Special Court may pass an order on merits without being influenced by the order of dismissal of the appeal by the High Court or the earlier order of grant or refusal of bail by the Special Court. On the basis of the aforesaid order in Dharam Singh Parihar supra, the learned counsel for the petitioner submitted that a direction may be issued to the learned Special Judge/Principal District Judge, Nagapattinam, to number the bail application and pass orders on merits. The relevant portion of the above decision is extracted as under:

"18. We may consider the order dated 12.04.2023 passed in Criminal Appeal No.1797/2022 by the Division Bench of the High Court Chhattisgarh in the case of [Dushyant Pandey Vs. State of Chhattisgarh](#) wherein the Division Bench also considered the provisions of Sec [Section 14A\(2\)](#) of the Special Act and is of the view that once once



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the appeal is dismissed by the High Court on merit, the subsequent appeal under any change of circumstances would not be directly maintainable and remedy to accused, if any, is to file an application application before the Special Court for grant of bail.. The relevant para of the said order is as follows:

follows:-

"31. Thus, we are of the considered opinion that once the appeal under Section 14A(2) of the POA Act is dismissed by this Court on merits, the subsequent appeal appeal under any change of circumstances would not be maintainable for two reasons firstly, that by the statutory scheme of appeal enacted under Section 14A, the jurisdiction of this Court under [Section 439](#) of the CrPC stands impliedly excluded as the power to grant bail under [Section 439](#) of the CrPC has has now only been vested to the Special Court constituted under Section 14 of the POA Act and this Court is only empowered to hear appeal under Section 14A(2) of the POA Act against refusal or grant of bail by thee Special Court under the POA Act and secondly, that entertaining the subsequent appeal under change of circumstances directly would amount to review of its earlier order which is expressly provided by [Section 362](#) of the CrPC, as the Court has also become functus officio in respect of that matter. Accordingly, we hereby answer the reference as under:

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"1. Once an appeal under Section 14A of the POA Act against the order passed by the Special Court rejecting the application under [Section 439](#) of the CrPC is decided on merits or otherwise by this Court, subsequent appeal under change of circumstances would not be directly maintainable under Section 14A of the POA Act before this Court even on change of circumstances and remedy to the accused, if any, is to filee an application before the Special Court for grant of bail.

2. Since the answer to the first stated question is in negative, it would not be expedient to answer the second stated question."

19. Keeping in view the aforesaid provisions relating to appeal against the order granting or refusing bail as envisaged under [Section 14A\(2\) 14A](#) of the Special Act and after after minute scrutiny of the above judgments, judgment we are of the considered view that after dismissal of the appeal under [Section 14A\(2\)](#) of the Special Act by the t High Court on any ground, ground the subsequent appeal before the High Court would not be maintainable. It is needless to mention that the repeat appeal for bail after dismissal of the appeal would not be maintainable even if the



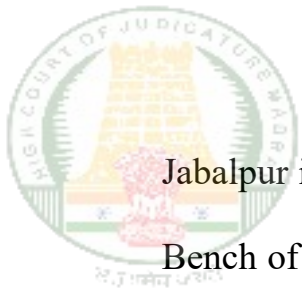
accused wishes to prefer the subsequent appeal before the High Court on any changed circumstances. However, since the party cannot be left remediless in the event of any changed circumstances, the aggrieved party has liberty to prefer fresh application for bail before the Special Court. If such an application is preferred, the same may be considered by the Special Court on demonstrating any change in circumstances and needless to mention that the Special Court or Exclusive Special Court may pass an order on its own without being influenced by the order of dismissal of the appeal by the High Court or the earlier order of grant or refusal of bail by the Special Court.

20. In this regard, we find that the view taken by the High Court of Chhattisgarh in [Dushyant Pandey](#) (supra) is more appropriate. Having thus opined, we find no reason to differ with the view taken by the High Court of Chhattisgarh in the said case and the judgments in the cases of [Atul Rajput](#), [Ketan](#) and [Neeraj Verma](#) (supra). Accordingly we hold that the finding of the learned Single Judge in its order dated 05.12.2017 passed in the case of [Ramu @ Ramlal](#) (supra) that the repeat appeal under [Section 14A\(2\)](#) of the Special Act after rejection of appeal would be maintainable against the order of grant or refusal of bail, is not the correct enunciation of law. The same is hereby overruled."

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that P.W-1 and P.W-2 have been examined and the case now stands posted for further examination of other witnesses on 17.02.2026.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. As rightly pointed out by the learned counsel for the petitioner and as observed by the Division Bench of the Madhya Pradesh High Court at



Jabalpur in **Dharam Singh Parihar** supra, agreeing with the view of a Division Bench of the High Court of Chhattisgarh in **Criminal Appeal No.1797 of 2022**

(Dushyant Pandey vs. State of Chhattisgarh), a party cannot be left remediless in the event of any changed circumstances and the aggrieved party has liberty to prefer fresh application for bail before the Special Court and if such application is preferred, the same may be considered by the Special Court on any change in circumstances being demonstrated. It is needless to mention that the Special Court or Exclusive Special Court may pass an order on merits without being influenced by the order of dismissal of the appeal by the High Court or the earlier order of grant or refusal of bail by the Special Court.

7. Accordingly, the learned Special Judge/Principal District Judge, Nagapattinam, is directed to number the bail application and to consider the same on its own merits, after complying with Section 15A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and taking into consideration the change of circumstances.

8. This Criminal Original Petition stands disposed of accordingly.

04-02-2026

Neutral Citation: Yes/No

SRM

Note: Issue order copy on 05.02.2026



To

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1. The Principal District Judge,
Nagapattinam.
2. The Inspector of Police
All Women Police Station,
Nagapattinam.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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