



Crl.A. No. 45 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.A. No. 45 of 2026

Sanjaykannan

..Appellant/Petitioner/Accused

Vs.

State rep. By

1.Deputy Superintendent of Police,
Sriperumbundur, Kancheepuram District.

2.The Inspector of Police,
Suuguvar Chatharam, Police Station,
Kancheepuram District.
(Cr.No.321 of 2025)

...Respondents/Respondents/
Complainants

3.Jothilakshmi

.. 3rd Respondent/Defacto
complainant

Prayer: Criminal Appeal filed under Section 14 (A) of SC/ST Act (Prevention of Atrocities Amendment Act 2015) r/w. 415(2) of BNSS Act, 2023, to set aside the order passed in bail petition in Crl.M.P.No.78 of 2026 dated 09.01.2026 on the file of Special Court for Trial of Cases under SC/ST (POA) Act, Kancheepuram and enlarge the appellant on bail in Crime



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No.321 of 2025, on the file of the 2nd Respondent Police.

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For Appellant :: Mr.B.Manoharan

For Respondents :: Mr.S.Balaji,
Government Advocate(Crl.Side)
for R1 & R2
Ms.T.Gnanabanu for R3

J U D G M E N T

The appeal challenges the dismissal of the bail petition filed by the appellant before the trial Court, who is facing prosecution for the offences under Section 108 BNS r/w 3(2)(v) of SC/ST(POA) Act. The appellant was arrested on 16.09.2025.

2.The allegation against the appellant is that he had a love affair with the victim girl; that he had sexual intercourse with her on the promise of marriage; and thereafter, refused to marry her, as a result of which, the victim felt humiliated and committed suicide and thus the petitioner has abetted the suicide of the victim girl. The appellant sought for bail, which was dismissed by the impugned order.



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3.The learned counsel for the appellant would submit that the final report has now been filed, which has been taken on file in Spl.S.C.No.153 of 2025 on the file of the Special Court for Trial of Cases under SC/ST(POA) Act, Kancheepuram; that considering the fact that the relationship between the appellant and the victim was consensual and the age of the appellant; and that since the appellant's custody is not required for further investigation, the appellant may be released on bail.

4.The learned counsel for the defacto complainant however, vehemently opposed the grant of bail stating that there was an earlier observation by the Sessions Judge that the offence under the POCSO Act are made out and that this Court in the earlier appeal filed challenging the said order in Crl.A.No.1628 of 2025 has also observed that the offences under POCSO Act are made out and submitted that since the appellant is involved in a serious offence, he is not entitled to bail.

5.The learned Government Advocate per contra submitted that the investigation reveals that the victim was aged more than 18 years at the time



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of occurrence and there is no material to invoke the provisions of POCSO

Act and the final report has also been filed to that effect.

6.It is seen that after the dismissal of the earlier appeal in Crl.A.No.1628 of 2025, the final report has now been filed against the appellant for the offences under Section 108 of BNS, 2023, Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989 and Section 4B(1) of the TN Prohibition of Harassment of Women Act 2002. The first respondent did not find any material to invoke the provisions of the POCSO Act.

7.The facts reveal that the appellant and the victim had a consensual affair. *Prima facie*, this Court is of the view that there is no evidence that the appellant had abetted the victim for commission of suicide, though there is evidence to show that he had breached the promise made to the victim girl. The appellant is in custody from 16.09.2025. Hence, this Court is inclined to set aside the impugned order and release the appellant on bail on stringent conditions;

(i) The appellant shall reside at Chennai
and report before the C1 Flower Bazar Police Station,



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NSC Bose Road, Parrys, George Town, Chennai,
everyday at 10.30. a.m. until further orders;

(ii) 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 Special Court for Trial of Cases Under SC/ST (POA) Act, Kancheepuram;

(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.



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(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 09.01.2026 in Crl.M.P.No.78 of 2026 passed by the learned Special Court for Trial of



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Cases under SC/ST(POA) Act, Kancheepuram, is set aside and the Criminal Appeal is allowed.

10.02.2026

Neutral Citation: Yes/No

Tsg

Note: Issue order copy on 10.02.2026

To

- 1.The Deputy Superintendent of Police,
Sriperumbundur, Kancheepuram District.
- 2.The Inspector of Police,
Suuguvat Chatharam, Police Station,
Kancheepuram District.
(Cr.No.321 of 2025).
- 3.The Inspector of Police,
C1 Flower Bazar Police Station,
NSC Bose Road, Parrys, George Town, Chennai.
- 4.The Special Court for Trial of Cases
under SC/ST(POA) Act, Kancheepuram.
- 5.The Superintendent,
Central Prison, Puzhal, Chennai.
- 6.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

Tsg

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