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CRL A No. 60 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 60 of 2026

Muthupandi

Appellant(s)

Vs

1. The State rep. by The Inspector of Police
Redhills Police Station, Tiruvallur District.
Crime No. 1729/2017.

2.The Assistant Commissioner of Police
Redhill Sub Division, Tiruvallur District.

3.Elumalai

Respondent(s)

PRAYER

To set aside the order dated 12.01.2026 made in Crl.M.P.No. 5242 of 2025 on the file of the Learned Principal District and Sessions Judge, Tiruvallur and enlarge the appellant on bail in connection with the case in Cr.No. 1729 of 2017 pending on the file of the 2nd respondent police by allowing this Criminal Appeal.

For Appellant(s): MR.M.GANESH FOR
MR.N.Manoharan

For Respondent(s): Mr.S.Balaji
Government Advocate(criminal Side)
For R1 And R2

Mr.S.Arokia Maniraj, Legal Aid Counsel For
R3 (vide Court Order Dt.30.01.26)



ORDER

The appeal challenges the dismissal of the appellant's bail application in Crl.M.P.No.5242 of 2025 dated 12.01.2026, passed by the learned Principal District and Sessions Judge, Tiruvallur.

2. The appellant was arrested on 28.11.2025 in Crime No.1729 of 2017, which was originally registered for the offence under Section 304(A) IPC. It appears that the respondent had not filed the final report for several years. However, pursuant to a direction issued by the National Commission for Scheduled Caste, the respondent filed an alteration report on 19.12.2024, altering the offence to Section 304(ii) IPC. After the arrest of the appellant, another alteration report was filed on 15.12.2025, incorporating the offence under Section 14(1) of the Child Labour (Prohibition and Regulation) Act, 1986. The appellant sought bail before the Trial Court, which came to be dismissed by the impugned order.

3. The learned counsel for the appellant would submit that the appellant was arrested in the year 2025 for an occurrence that allegedly took place in the year 2017; that the allegations, at best, disclose negligence and not even gross negligence so as to attract Section 304(A) IPC; that the subsequent alteration of the offence to Section 304(ii) IPC is unsustainable in law; and that, in any case, considering the period of incarceration, the appellant may be released on bail.



4. Though notice was served on the defacto complainant, none appeared on the behalf of the defacto complainant. Hence, this Court appointed Mr.S.Arokia Maniraj, learned Legal-Aid Counsel, to represent the defacto complainant.

5. The learned Legal-Aid Counsel appearing for the defacto complainant would submit that the appellant has committed grave offences; that the intervention of the National Commission for Scheduled Caste warranted alteration of the offences; and that unless the appellant is kept in custody, the truth would not come out. Therefore, the impugned order does not warrant interference.

6. The learned Government Advocate (Criminal Side) appearing for the respondent, per contra, would submit that the National Commission for Scheduled Caste, by its order dated 18.10.2024, directed the respondent to investigate the offence under the SC/ST (Prevention of Atrocities) Act; that pursuant thereto the offences were altered; and that the investigation is now almost complete and the final report would be filed shortly.

7. The alleged occurrence is stated to have taken place in the year 2017. The allegation is that the victim who was employee under the appellant fell into hot oil and that the appellant failed to take adequate safety precautions to prevent the



accident. Thereafter, considering the age of the victim, who was 15 years old at the time of occurrence, the offence was altered to Section 304(ii) IPC.

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8. Considering the facts and circumstances of the case, the nature of the allegations, and the period of incarceration already undergone by the appellant, the impugned order is set aside and the appellant is released on bail, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Principal District & Sessions Court, Thiruvallur;

(ii) The petitioner 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; and

(iii) The petitioner shall appear before the trial Court on the first working day of every week at 10.30 a.m. until the disposal of the appeal 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.

skr

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. Learned Principal District & Sessions Court, Thiruvallur.
2. The Inspector of Police, Redhills Police Station, Tiruvallur District.
3. The Assistant Commissioner of Police, Redhill Sub Division, Tiruvallur.
4. The Superintendent, Central Prison-II, Puzhal, Chennai.



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SUNDER MOHAN J.
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