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Crl.A. No. 132 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.A. No. 132 of 2026

1.Gowtham

2.Ashok Kumar

..Appellant/Accused Nos.1 & 2

Vs.

1.The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Tirupathur District.

2.State rep by
Inspector of Police,
Ambur Town Police Station,
Tirupathur.

[Crime No.18 of 2026]

...Respondents/Complainants

3.D.Jegadeesan

4.S.Madhan Kumar

5.G.Senthil

6.M.Gunasekar

.. Respondent/Defacto
complainant

Prayer: Criminal Appeal filed under Section 14 (A) of SC/ST (Prevention of Atrocities Act) 1989, to set aside the Judgment passed by the learned District and Sessions Judge, Tirupathur in Crl.M.P.No.180 of 2026 and



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Crl.M.P.No.233 of 2026, dated 29.01.2026 by allowing this appeal and
enlarge the petitioners on bail.

For Appellants :: Mr.R.John Sathyan,Senior Counsel
for Mr.Jerald C.Tennyson

For Respondents :: Mr.S.Balaji,
Government Advocate (Crl. Side)
for R1 & R2
Mr.S.Senthilvel
for RR3

J U D G M E N T

The appeal challenges the dismissal of the bail petition filed by the appellants, who were arrested in connection with Crime No.18 of 2026 registered for the offences under Section 189(2), 296(b), 118(1) and 351(3) of the BNS, 2023 r/w Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.The gist of the prosecution is that a wordy quarrel took place on 15.01.2026 at about 5.00 p.m. between the victim and the appellants; that after consuming liquor, they assaulted the victim with a cricket stump on his head and caused injuries. The bail petition filed by the appellants before the



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trial Court was dismissed on the ground that the investigation is pending and the appellants have committed a serious offence.

3.Mr.R.John Sathyan, the learned Senior Counsel appearing for the appellants would submit that the appellants are in custody from 16.01.2026; that the victim has been discharged from hospital; that the appellants would not tamper with the evidence or threaten the witness; that they would stay elsewhere; and prayed for bail.

4.The learned counsel for the defacto complainant however, submitted that out of the 5 accused, only two were arrested; that the victim apprehends threat from the appellants and if they are now released on bail, there is threat to his life and to the life of other injured persons.

5.The learned Government Advocate *per contra* submitted that victim has now been discharged from the hospital and there is one previous case under Section 506(ii) of IPC as against the both the appellants and that the said case is pending investigation.



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6.Considering the nature of allegation, the fact that the injured has been discharged from the hospital and the undertaking given by the appellants that they would stay elsewhere, this Court is inclined to release the petitioners on bail on stringent conditions;

(i) The appellants shall reside at Chennai and report before the C1 Flower Bazar Police Station, NSC Bose Road, Parrys, George Town, Chennai, everyday at 10.30. a.m. until further orders;

(ii) The appellants shall each 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 District and Sessions Judge, Tirupathur;

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



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(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.

(vi) the appellants shall not commit any offences of similar nature;

(vii) the appellants shall not abscond either during investigation or trial;

(viii) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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*



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

7. In view of the above, the impugned order, dated 29.01.2026 in Crl.M.P.No.180 of 2026 and Crl.M.P.No.233 of 2026 passed by the learned District and Sessions Judge, Tirupathur, 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,
O/o. Deputy Superintendent of Police,
Tirupathur District.

2.State rep by
Inspector of Police,
Ambur Town Police Station,
Tirupathur. [Crime No.18 of 2026]



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3.The Inspector of Police,
C1 Flower Bazar Police Station,
NSC Bose Road, Parrys, George Town, Chennai.

4.The District and Sessions Judge,
Tirupathur.

5.The Superintendent,
Sub-Jail, Tirupathur.

6.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

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