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CRL A No. 140 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 140 of 2026

Iyappan
S/o. Pandurangan,
No.32, Bajanai Kovil Street,
Oravandavadai Village,
Alathur Post, Chengam Taluk,
Thiruvannamalai District.

..Appellant(s)

Vs

1. The Deputy Superintendent of Police
Kancheepuram District.
2. The State rep by The Inspector of Police
Oragadam Police Station,
Kancheepuram District.
Crime No.407/2025.
3. V. Samyukta
D/o. Vendantham,
No.261/3, Kalaingnar Nagar,
Irulanjeri,
Tiruvallur.

..Respondent(s)

PRAYER : Appeal filed under Section 14 A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order dated 27.01.2026 passed in Crl.M.P.No.116 of 2026 on the file of the Special Judge for the exclusive trail of cases under the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act 1989, Principal District and Sessions Judge Kancheepuram and grant bail for the appellant in connection with Crime No.407 of 2025 on the file of the 1st respondent police.



For Appellant(s):

R.Ezhilarasan

For Respondent(s):

MR.S.Balaji, G.A for R1 and R2

Mr.V.Perarasu, Legal Aid Counsel for R3

JUDGMENT

The Appeal challenges the dismissal of the appellant's bail petition filed before the learned Principal District and Sessions Judge, Kancheepuram.

2. The appellant is an accused in Crime No.407 of 2025 registered for the offence under Sections 294(b), 376, 493 and 506(1) of IPC and 3(1)(xi), 3(2)(v) of SC/ST (Prevention of Atrocities) Act, who was arrested on 25.12.2025. He moved a bail petition before the Trial Court which came to be dismissed by the impugned order.

3. The case of the prosecution is that the appellant and the defacto complainant were working in the same Company from the year 2021; that the appellant and the defacto complainant had developed a love affair; that the appellant on the promise of marriage, had sexual intercourse with the defacto complainant on several occasions; that thereafter, the defacto complainant requested the appellant to marry her; and that the appellant had stated that he got married to another lady and therefore, he cannot marry her; and thus committed the aforesaid offences.



4. The learned counsel for the appellant would submit that the allegations in the FIR would show that the appellant and the defacto complainant had a consensual affair; that the allegation that the defacto complainant was not aware of the marriage of the appellant with another lady is false; that the appellant had invited all his office colleagues for the marriage and therefore, the defacto complainant was aware of the same; and that the appellant is in custody for more than 45 days and hence, he may be released on bail.

5. Notice has been served on the defacto complainant who requested legal assistance. Hence, this Court appointed Mr.V.Perarasu, learned legal aid counsel to assist the defacto complainant.

6. The learned legal aid counsel for the defacto complainant vehemently opposed the grant of bail and would submit that the allegations constitute the offence against the appellant; that if the appellant is released on bail, he is likely to tamper with the witnesses; that the investigation is still pending and that the appellant is not entitled to be released on bail.

7. The learned Government Advocate (Crl. Side) submitted that considering the seriousness of the offence committed by the appellant and also since investigation is still pending, he may not be granted bail. He would



further submit that the victim became pregnant and medicines were administered to abort the child.

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8. Considered the rival submissions and perused the materials on record.

9. It is not in dispute that the appellant and victim had consensual affair.

It is also not in dispute that the appellant and the victim were working in the same Company. Therefore, there is force in the submission made on behalf of the appellant that the victim's allegation that she was not aware of the marriage of the appellant with another lady is not probable. The appellant is in custody from 25.12.2025. The learned Government Advocate (Crl.Side) is unable to point out why further custody of the appellant is required for the purpose of investigation. Considering the nature of allegations, the period of incarceration and other facts and circumstances of the case, 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 ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Kancheepuram.

(ii) The appellant shall reside at Chennai and report before the Royapettah Police Station, every day at 10.30 a.m. until further orders, except on the hearing dates before the trial Court;



(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.

(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.

10. In view of the above, the impugned order dated 27.01.2026 passed in CrI.M.P.No.116 of 2026 on the file of the Principal District and Sessions Judge, Kancheepuram, is set aside and the Criminal Appeal is allowed.

11. The High Court Legal Services Committee, Chennai, shall pay the schedule fee to Mr.V.Perarasu, learned legal aid counsel who assisted this Court for the defacto complainant.

19-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSK



To

1. The Deputy Superintendent of Police
Kancheepuram District.
2. The Inspector of Police
Oragadam Police Station,
Kancheepuram District.
3. The Principal District and Sessions Judge,
Kancheepuram.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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