



WEB COPY

CRL A No. 150 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. 150 of 2026

Raja
S/o Duraisamy,
6/9 Kavanoor Street,
Chenangarani Village,
Choolaimeni Post,
Uthukottai Taluk,
Tiruvallur.

..Appellant(s)

Vs

1. The State Rep By, The Inspector of Police
AWPS,
Uthukottai,
Tiruvallur.
2. Neelavathy
W/o Nagaraj,
Perumal Kovil Street,
Choolaimeni Post,
Chennangarani Village,
Uthukottai Taluk,
Tiruvallur.

..Respondent(s)

PRAYER : Appeal filed under Section 14 A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, to call for the records pertaining to the order dated 29.01.2026 passed in Crl.MP.No.273 of 2026 on the file of the Learned Principal District and Sessions judge, Thiruvallur and set aside the impugned order dated 29.01.2026 and consequently enlarge the appellant/accused on bail in connection with Crime No.1 of 2025 on the file of the AWPS, Uthukkottai, now pending as S.C.No.137 of 2025, on such terms and conditions as this Honourable Court.



For Appellant(s):

Mr.S.Haja Mohideen Gisthi

For Respondent(s):

Mr.S.Balaji G.A for R1
MR.R.RAGHURAJ, LEGAL AID COUNSEL
FOR R2

JUDGMENT

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

2. The appellant is an accused in Crime No.1 of 2025 registered for the offence under Sections 115(2), 64 and 87 of the Bharatiya Nyaya Sanhita Act and Section 3(1)(w)(i), 3(2)(V) SC/ST Act, who was arrested on 29.12.2025. 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 was granted bail during the course of the investigation and the appellant did not appear before the Trial Court on 10.11.2025 and since his counsel was also absent and NBW was issued on the said date. The appellant was secured on 29.12.2025 and he is in custody since then. The appellant sought for bail before the Trial Court and the same was dismissed by the impugned order on the ground that the appellant is likely to abscond and flee from justice.



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4. The learned counsel for the appellant would submit that the appellant was released on bail and he has been appearing regularly before the Trial Court and only on one hearing, he was absent; and that he would appear regularly before the Trial Court henceforth and he may be released on bail on any stringent conditions.

5. Notice has been served on the defacto complainant who requested legal assistance. Hence, this Court appointed Mr.R.Raghuraj, 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 to the appellant and would submit that the trial is at fag end; that of 26 witnesses, 19 witnesses have been examined and only 7 witnesses have to be examined; that since the trial is likely to be completed; and that the appellant has misused the liberty and hence, he is not entitled to be released on bail.

7. The learned Government Advocate (Crl. Side) reiterated the aforesaid submissions and submitted that three more witnesses have to be examined for the prosecution and the trial is likely to be completed in the near future. He



further submitted that the appellant did not appear on his own before the Trial Court and the appellant had been secured by the respondent pursuant to the warrant. Hence, he opposed for grant of bail to the appellant.

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

9. Admittedly, the appellant was granted bail during the trial and he had appeared on all hearings either through person or his counsel. He had not appeared only on 10.11.2025. Though the appellant ought to have immediately appeared before the Trial Court and recalled the warrant, this Court is of the view that his incarceration from 29.12.2025 is sufficient punishment for his abscondence. Hence, this Court is of the view that the appellant can be released on bail to effectively defend his case. Hence, 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, Tiruvallur. One of the sureties shall be his younger brother Mr.Boopathi, who is working as Senior Revenue Inspector.

(ii) The appellant shall report before the Trial Court every day at 10.30 a.m. until further orders.

(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 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.

(v)the appellant shall not commit any offences of similar nature;

(vi)the appellant shall not abscond either during investigation or trial;

(vii)the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii)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];

(ix) 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 29.01.2026 passed in Crl.MP.No.273 of 2026 on the file of the Learned Principal District and Sessions judge, Thiruvallur, is set aside and the Criminal Appeal is allowed.

11. The High Court Legal Services Committee, Chennai, shall pay the schedule fee to Mr.R.Raghuraj, 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

NOTE : Issue order copy today (19.02.2026)



To

1. The Inspector of Police
AWPS,
Uthukottai,
Tiruvallur.
2. The Principal District and Sessions Judge,
Tiruvallur.
3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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