



WEB COPY

CRL A No. 143 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 143 of 2026

Vishwabharathi
S/o Raji,
4/17, Middle Street,
Sammampatti Village,
Valapady Taluk,
Salem District.

..Appellant(s)

Vs

1. The Commissioner of Police
Salem City.
2. The Assistant Commissioner of Police
Ammamet Range,
Salem District.
3. The Inspector Of Police
Karipatty Police Station,
Salem District.
Crime No.411 of 2025.
4. Sakthivel
S/o Kandhasamy,
MGR Nagar,
Kakkan Colony,
Minnampalli,
Salem District.

..Respondent(s)



Prayer: Criminal Appeal is filed under Section 14(A)(2) of SC/ST Act, 1989, to set aside the order passed by the Special Court for Trial of Cases under SC and ST (PoA) act, Salem in Crl.MP.No.12 of 2026 dated 23.01.2026 and enlarge the appellant on bail in Crime No.411 of 2025 pending on the file of Karipatty Police Station, Salem District.

For Appellant(s): Mr.T.Ganesan

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side) for R1 to R3
Ms.G.Kaviya,
Legal Aid Counsel for R4
(Vide Court Order dated 23.02.2026)

JUDGMENT

The appeal challenges the dismissal of the appellant's bail application before the trial Court, who has been accused in Crime No.411 of 2025 for the offences under Sections 296(b), 191(2), 118(1), 103(2) of BNSS, 2023 r/w Section 3(2)(V) and 3(2)(Va) of SC/ST (PoA) Act, 1989.

2. The case of the prosecution is that there was a wordy altercation between the accused on the one hand and the deceased at a marriage reception; that thereafter, the first accused attacked the deceased by throwing a big stone on his head and the appellant (A6) also attacked the deceased with his hands and thus committed the aforesaid offences.



3. The appellant filed a bail application before the trial Court, which came to be dismissed by an Order dated 23.01.2026 passed in CrI.M.P.No.12 of 2026.

4. The learned counsel for the appellant would submit that the appellant is aged about 19 years that he has no bad antecedents; that no specific overt act has been attributed to him; and that he is sought to be prosecuted only because of his presence at the scene of occurrence; that the occurrence took place due to a sudden quarrel; that there was no motive for the occurrence; and that he is in custody since 11.12.2025 and prayed for bail.

5. The learned Government Advocate for the respondents 1 to 3 would submit that the appellant has no bad antecedents; that the other accused, namely A1, A2, A4, and A5 were detained under the Tamil Nadu Prevention of Dangerous Activities Act, 1982 (Act 14 of 1982); and that the investigation has been completed.

6. Since the appellant was charged with offences under the SC/ST Act, notice was sent to the defacto complainant. The defacto complainant sought legal assistance and this Court appointed Ms.G.Kaviya as the Legal Aid Counsel for the de facto complainant.



7. Heard the learned Legal Aid Counsel for the 4th respondent / defacto complainant.

8. As could be seen from the rival submissions, the appellant is in custody since 11.12.2025 and the investigation is almost completed. No specific overt act has been attributed to the appellant (A6) and he is said to have been present at the scene of occurrence. A1 and A2 are said to have attacked the deceased with a stone. The occurrence is stated to have taken place due to a sudden quarrel.

9. Considering all the above facts, this Court is of the view that the further custody of the appellant is not required for the purpose of investigation. Hence, this Court is inclined to set aside the impugned order dated 23.01.2026 and grant bail to the appellant on the following conditions.

(i) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of Cases under SC & ST (PoA) Act, Salem;

(ii) 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;

(iii) the appellants shall appear before the respondent police, once in a week, until further orders;

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

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

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

(vii) 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]*; and

(viii) 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 23.01.2026 in Crl.M.P.No.12 of 2026 passed by the Special Court for Trial of Cases under SC & ST (PoA) Act, Salem, is set aside and the Criminal Appeal is allowed.



11. The High Court Legal Services Committee is directed to pay the scheduled fees to Ms.G.Kaviya, legal-aid counsel appointed by this Court, to assist this Court on behalf of the 4th respondent.

25-02-2026

Index: Yes/No
Speaking/Non-speaking order
Mac

Note: Issue order copy today.



SUNDER MOHAN, J.

Mac

To

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3. The Assistant Commissioner of Police
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Salem District.
4. The Inspector Of Police
Karipatty Police Station,
Salem District.
5. The Superintendent of Prison,
Central Jail, Salem.
6. The Secretary,
High Court Legal Services Committee,
High Court, Madras.

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