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CRL A No. 149 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-02-2026**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL A No. 149 of 2026**

Pasupathi

..Appellant(s)

Vs

1. State Rep by  
The Deputy Superintendent of Police,  
Gudiyatham Sub Division,  
Vellore District.

2. The state Rep. By  
Inspector of Police,  
Melpatti Police Station,  
Vellore District  
(Crime No.7 of 2026)

3. Sakthi

..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 bail dismissal order passed by the Sessions Court for Trial Cases under SC/ST (PoA) Act, Vellore in Crl.M.P.No.26 of 2026 dated 03.02.2026 and set aside the same and subsequently enlarge the appellant on bail.

For Appellant(s):

Mr.C.Deepakkumar

For Respondent(s):

MR.S.Balaji, G.A for R1 and R2  
Mr.M.Ganesh, Legal Aid Counsel for R3



## **JUDGMENT**

The Appeal challenges the dismissal of the appellant's bail petition filed before the learned Sessions Court for Trial Cases under SC/ST (PoA) Act, Vellore.

2. The appellant is an accused in Crime No.7 of 2026 registered for the offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3), 127(2) of BNS r/w Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act, who was arrested on 17.01.2026. 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 on account of prior enmity, on 17.01.2026, the petitioner along with other accused had entered into a wordy quarrel with the defacto complainant and others and assaulted them with wooden log and iron rods and caused simple injuries, besides humiliating the defacto complainant on account of his caste.

4. The learned counsel for the appellant would submit that the appellant had lodged a complaint as against the defacto complainant and others and that a counter case has been registered against them in Crime No.8 of 2026, that the occurrence did not take place in the manner alleged by the prosecution; that, in



any case, considering the nature of the allegations, further custody of the appellant is not required; and that appellant is in custody from 17.01.2026 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.M.Ganesh, 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 appellant is a habitual offender and has 11 previous cases; that if the he 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 there are 11 previous cases against the appellant; and that, since he is a habitual offender, he is not entitled to the relief of bail, and he has filed a counter affidavit of the respondent to that effect.

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



9. Admittedly, there is a counter case pending on the complaint given by the appellant. It appears to be a case of group clash and that all the injured has been discharged from the hospital. Though 11 previous cases have been registered against the appellant, it seen that 4 have already been disposed of and the other cases were registered under the Mines and Minerals Act, which are pending investigation.

10. Considering the above facts, this Court is of the view that the further custody of the appellant is not required for the purpose of investigation. Therefore, 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 Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Session Court for Trial Cases under SC/ST (PoA) Act.

(ii) The appellant shall appear before the second respondent police, 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.

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11. In view of the above, the impugned order dated 03.02.2026 passed in CrI.M.P.No.26 of 2026 on the file of the Sessions Court for Trial Cases under SC/ST (PoA) Act, Vellore, is set aside and the Criminal Appeal is allowed.

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

**20-02-2026**

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

Anu

**Note: Issue order copy on 20.02.2026**

To

1. The state Rep. By  
Inspector of Police,  
Melpatti Police Station,  
Vellore District
2. The Deputy Superintendent of Police,  
Gudiyatham Sub Division,  
Vellore District.
3. The Sessions Court for Trial Cases  
under SC/ST (PoA) Act, Vellore



4. The Superintendent,  
Central Prison, Vellore.

5. The Public Prosecutor,  
High Court of Madras.

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**SUNDER MOHAN, J.**

Anu

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