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Crl.A.No.235 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.A.No.235 of 2026

Sridhar

...Appellant

Vs.

1. State rep. by the District Superintendent of Police,
Nagapattinam, Nagapattinam District.
2. State rep. by the Inspector of Police,
All Women Police Station,
Nagapattinam.
Crime No.18 of 2025

3. Sushma

...Respondents

Criminal Appeal filed under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, seeking to allow the appeal and to set aside the order dated 13.02.2026 passed in Crl.M.P.No.79 of 2026 by the learned District and Sessions Judge, Nagapattinam and enlarge the appellant on bail, pending trial of the case in Spl.S.C.No.03 of 2025, on the file of the learned Principal District Judge, Nagapattinam.

For Appellant : Ms.K.Dhivyashree
for Mr.M.Vijaya Ragavan

For Respondents : Ms.J.R.Archana, GA(Crl. Side), for R1 & R2
: No Appearance, for R3



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ORDER

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This criminal appeal has been filed seeing to set aside the order dated 13.02.2026 passed in Crl.M.P.No.79 of 2026 by the learned District and Sessions Judge, Nagapattinam and to consequently, enlarge the appellant on bail, pending trial in Spl.S.C.No.03 of 2025, on the file of the Principal District Court, Nagapattinam.

2. The case of the prosecution is that the appellant/accused, under the pretext of marriage, had physical relationship with the 3rd respondent/de facto complainant and committed rape on her and thereafter, refused to marry her and when the same was questioned by the 3rd respondent, the appellant/accused, threatened her and abused her in filthy language. Hence, based on the complaint given by the 3rd respondent/de facto complainant, an FIR in Crime No.18 of 2025 came to be registered on the file of the 2nd respondent for the offences under Sections 69 of BNS r/w. 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, as against the appellant. After completion of investigation, the final report came to be filed before the learned Principal District Judge, Nagapattinam for the abovesaid offences and the same was taken on file in Spl.S.C.No.03 of 2025.



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3.1 Learned counsel for the appellant submitted that the appellant is an accused facing trial in Spl.S.C.No.03 of 2025 before the Principal District Court, Nagapattinam for the offences under Sections 69 of BNS r/w. 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Since the appellant was remanded to judicial custody as early as on 11.04.2025, the appellant had earlier filed a bail petition under Section 483 of BNSS in Crl.M.P.No.401 of 2025 and the learned District and Sessions Judge, Nagapattinam, vide order dated 21.05.2025, dismissed the said petition. Aggrieved by the same, the appellant filed an appeal before this Court in Crl.A.No.1218 of 2025 and this Court, vide order dated 26.08.2025, dismissed the said appeal, confirming the dismissal order/order refusing to grant bail to the appellant passed by the lower court. While so, the appellant, after completion of investigation and after filing of the final report, had once again filed a bail petition in Crl.M.P.SR.No.15 of 2026. However, the trial court, vide order dated 03.01.2026, returned the said bail petition.

3.2 Aggrieved by the same, the appellant had once again approached this Court by way of filing a petition under Section 428 of BNSS in Crl.O.P.No.2389 of 2026 and this Court, vide order dated 04.02.2026, disposed of the said petition by specifically holding that a

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party cannot be left remediless in the event of any changed circumstances and the aggrieved party has liberty to prefer a fresh application for bail before the Special Court and it is needless to mention that the Special Court may pass orders on merits without being influenced by the dismissal of the appeal by the High Court or the earlier order of grant or refusal of bail by the Special Court. Despite the said order of this Court, the learned District and Sessions Judge, Nagapattinam, vide order dated 13.02.2026, dismissed the second bail application filed by the appellant in Crl.M.P.No.79 of 2026, which is wholly unsustainable. Accordingly, he prayed for setting aside the impugned order dated 13.02.2026 made in Crl.M.P.No.79 of 2026.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the 1st and 2nd respondents submitted that the appellant/accused, being fully aware that the 3rd respondent/de facto complainant belonged to a Scheduled Caste and that marriage between them could not be solemnized, nevertheless induced her and under the false pretext of marriage, he engaged in sexual intercourse with her and subsequently reneged. She further submitted that considering the fact that the charges against the appellant are heinous in nature, the trial court had rightly dismissed the bail petition filed by the appellant, vide impugned order,

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which cannot be said to be erroneous. She further submitted that the trial in this case had already commenced and that five witnesses have already been examined and the case now stands posted to 30.03.2026 for further evidence. Accordingly, she prayed for dismissal of this appeal.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Though notice was served and the name of the 3rd respondent/de facto complainant is printed in the cause list, there is no representation on behalf of the 3rd respondent. Hence, this Court is inclined to dispose of this criminal appeal based on the materials available on record.

7. Admittedly, the earlier bail petition filed by the appellant was dismissed by the trial court / Special Court and the same was also confirmed by this Court, vide order dated 26.08.2025 made in Crl.A.No.1218 of 2025 and this appeal has been filed against the dismissal order dated 13.02.2026 passed by the learned District and Sessions Judge, Nagapattinam in the second bail application filed by the appellant in Crl.M.P.No.79 of 2026.



8. Taking into consideration the facts and circumstances of the case and the rival submissions made by the learned counsel and also considering the fact that the trial has already commenced, the victim has been examined and also taking into consideration the period of incarceration suffered by the appellant, this Court is inclined to grant bail to the appellant.

9. Accordingly, the impugned order dated 13.02.2026 passed by the learned District and Sessions Judge, Nagapattinam in Crl.M.P.No.79 of 2026 is set aside and the appellant is ordered to be released on bail on his executing 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 learned Principal District Judge, Nagapattinam and on further conditions that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

(ii) the appellant shall appear before the trial Court on all working days at 10:30 a.m. until further orders.



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10. With the above directions and observation, this criminal appeal stands allowed.

13.03.2026

skt

NCC : Yes/No

To:

1. The Principal District Judge,
Nagapattinam.
2. The District and Sessions Judge,
Nagapattinam.
3. The District Jail,
Nagapattinam.
4. The District Superintendent of Police,
Nagapattinam, Nagapattinam District.
5. The Inspector of Police,
All Women Police Station,
Nagapattinam.
6. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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