



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

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

CRL A No. 284 of 2026

Aswin
S/o.Shanmugam,
No. 3/115, Bajanai Kovil Street,
Somavarappatti,
Pethappampatti,
Udumalapet,
Tiruppur 642 205.

..Appellant(s)

Vs

1.State rep by,
The Deputy Superintendent of Police,
Udumalapet Sub- Division,
Tiruppur District.

2.State rep. by
The Inspector of Police
Komaralingam Police Station,
Tiruppur District.
ref. Crime No.21/2026 dt. 27.01.2026

3.Riju
S/o.Nataraj,
14/15, Pattel Street,
Ruthrapalayam,
Madathukulam Taluk,
Tiruppur District.

..Respondent(s)

PRAYER: This Appeal has been filed under Section 14(A)(2) of the SC/ST Act, 1989 seeking to set aside the order dated 04.03.2026 passed in C.M.P.No. 34 of 2026 on the file of the learned Sessions Judge, Special Court for Trial of Cases



under SC/ST(POA) Act, Tiruppur and consequently, enlarge the appellant on bail in Crime No. 21 of 2026 on the file of the Komaralingam Police Station, Tiruppur District.

For Appellant(s): Mr.R.John Sathyan, Sr. Advocate assisted by Mr.B.A.Sujay Prasanna

For Respondent(s): Mrs.J.R.Archana, GA(Crl.Side) for R1 & R2

JUDGMENT

The present Criminal Appeal has been filed against the order dated 04.03.2026 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, in C.M.P.No.34 of 2026, dismissing the petition filed by the petitioner seeking bail in Crime No.21 of 2026.

2. The case of the prosecution as per the third respondent/*de facto* complainant is that he was taking care of the farmland owned by one Gopinath, by residing there along with one Karthik. Owing to an existing civil dispute between the owner of the *de facto* complainant and Aswin/A1/appellant of Pethappampatti, on 27.01.2026, at about 1.00 a.m., the appellant, along with his associates, came to the farmland, where the *de facto* complainant was working, in a JCB vehicle, cars and tractors. They abused the *de facto* complainant by calling him by his caste name, assaulted both the *de facto* complainant and his colleague Karthik after tying their hands, damaged the shed and took away their



cellphone, ATM card and cash. As a result of the incident, the *de facto* complainant and his colleague sustained injuries and were taken to hospital.

Thereafter, based on the complaint lodged by the *de facto* complainant, the aforesaid case in Crime No.21 of 2026 for the offences under Sections 191(2), 191(3), 296(b), 126(2), 115(2), 118(1) and 303(2) of the BNS, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 3 of the TN Public Property (Prevention of Damage & Loss) Act, 1992 was registered.

3. Learned Senior Counsel appearing for the appellant would submit that the appellant is innocent and he has been falsely implicated in this case. The appellant is the owner of the property measuring 12 acres and 7 cents in several survey numbers in Madathukulam Village and he has been issued with pattas for the same. The appellant had leased the property to one Pushpa. While so, one Gopinath attempted to interfere in the possession of the lessee of the appellant. On 26.01.2026, the said Pushpa had engaged her employees to do agricultural work. When they had gone to the lands, they were brutally assaulted by the employees of the said Gopinath. The driver of the vehicle, in which the employees had gone viz, Gowtham had, informed the same to Pushpa and the said Pushpa had given a complaint through Telephone calling 100. Subsequently, the employees of Gopinath have indulged in the act of arson and brutally assaulted the employees of Pushpa resulting in the death of one



Manigandan. Based on the complaint given by the said Gowtham, a case in Crime No.22 of 2026 had been registered by the respondent police. While so, as a counter blast, the said Gopinath had instigated his employee/ third respondent viz, Riju to give a complaint as if the appellant, along with his men, has assaulted him and also abused them by caste name. He would further submit that the appellant is a B.Com graduate, employed as a Admin Manager at CTP Granites, Rayachoty, Andhra Pradesh and he was not at all present at the scene of occurrence. He would further submit that the appellant, on coming to know about the case registered against him, had surrendered before the Court on 04.03.2026 and he has been remanded to judicial custody. He would further submit that the custody of the appellant was also taken and he has been sent back to judicial custody and the injured in this case have also been discharged from the hospital. The learned counsel would further submit that a case has been registered only on account of a land dispute and neither the appellant nor the alleged persons who went to the place, know about the community of the de facto complainant and it is not a case where the alleged occurrence is said to have happened on account of communal rivalry. He would further submit that this Court has granted bail to the co-accused in this case in Crl.A No.248 & 215 of 2016 vide order dated 18.03.2026.

4. Learned Government Advocate (Criminal Side) appearing for



respondents 1 and 2, reiterated the prosecution case and submitted that there was a land dispute pending between the appellant and one Gopinath. The appellant had engaged services of the other accused and had gone to the farm land during wee hours and brutally assaulted the de facto complainant and his co-employee resulting in them sustaining injuries. They, coming to know of the caste of the de facto complainant, had also abused him calling by his caste name. She would further submit that the custody of the appellant was taken and later, he was remanded to judicial custody. She would further submit that there is no previous case against the appellant. However, she opposed for grant of bail to the appellant.

5. Though notice has been served on the third respondent and his name is printed in the cause list, there is no representation on his behalf.

6. Having heard the learned counsel appearing for the appellant and the learned Government Advocate (Criminal Side) appearing for the first and the second respondents and upon perusal of the materials available on record and taking note of the fact that the injured persons have been discharged from the hospital and also the period of incarceration undergone by the appellant, this Court is inclined to set aside the order impugned dated 04.03.2026.

7. Admittedly, it is a case on account of pending property dispute.



Since the victim is said to have been discharged from the hospital and further judicial custody of the appellant has been taken and also major part of the investigation is over, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the impugned order dated 04.03.2026 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, in C.M.P.No.34 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.15,000/- (Rupees Fifteen Thousand only)** each with two sureties, each for a like sum to the satisfaction of the **Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank passbook to ensure their identity;

[b] the appellant shall appear before the second respondent police, everyday at 10.30 a.m., until further orders;

[c] the appellant shall not abscond either during investigation or trial;

[d] the appellant shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the appellant thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

9. With the above directions, this Criminal Appeal Stands allowed.

24-03-2026

Neutral Citation: Yes/No

DN

Note: Issue order copy today (25.03.2026)

To

1.The Deputy Superintendent of Police
Udumalapet Sub Division,
Tiruppur District.

2.The Inspector of Police
Komaralingam Police Station,
Tiruppur District.

3.The Public Prosecutor, High Court of Madras.

4.The Sessions Judge, Special Court for Trial of Cases under SC/ST(POA) Act,
Tiruppur

5.The Superintendent,
Central Prison,
Tiruppur.



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A.D.JAGADISH CHANDIRA J.

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