



Crl.A.No.296 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM:

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

Crl.A.No.296 of 2026

Suresh

... Appellant

Vs.

1. The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.
2. The Inspector of Police,
AWPS, Vedaranyam,
Nagapattinam District.
(Crime No.3 of 2026)

3. Sneha

... Respondents

PRAYER: Criminal Appeal is filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 16.02.2026 made in Crl.M.P.No.91 of 2026 in Crime No.3 of 2026 passed by the learned District and Sessions Judge, Nagapattinam and enlarge the appellant on bail.

For Appellant	: Mr.N.Palanivel
For R1 & R2	: Mr.S.Udayakumar Government Advocate (Criminal Side)
For R3	: Mr.R.Muruga Bharathi



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JUDGMENT

WEB COPY The present Criminal Appeal has been filed against the order dated 16.02.2026 passed by the learned District and Sessions Judge, Nagapattinam District, in Crl.M.P.No.91 of 2026, dismissing the petition filed by the appellant seeking bail in Crime No.3 of 2026.

2. The brief facts of the case are as follows:-

2.1. The appellant/accused, a neighbour of the victim/*de facto* complainant, had trespassed into the house of the victim/*de facto* complainant, who is physically challenged, and taking advantage of her disability, ravished her.

2.2. Based on the complaint lodged by the victim/*de facto* complainant, who belongs to a Scheduled Caste community, a case in Crime No.3 of 2026 was registered for the offences punishable under Sections 329 and 64(2)(k) of BNS, Sections 3(1)(w)(i), 3(1)(w)(ii) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and Section 92 of the Rights of Persons with Disabilities Act, 2016.

2.3. In the said case, the appellant filed a petition in Crl.M.P.No.91 of 2026 before the District and Sessions Court,



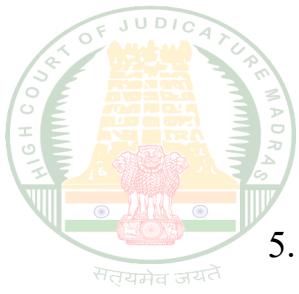
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Nagapattinam, seeking bail. The learned Judge, vide order dated

16.02.2026, dismissed the said petition. Challenging the same, the present appeal has been filed.

3. Learned counsel appearing for the appellant submitted that the appellant is innocent and has been falsely implicated in this case. He further submitted that the appellant was arrested on 07.02.2026 and has been in custody since then. He also submitted that the investigation in this case has been completed and the charge sheet has also been filed. Hence, he prayed that the appellant may be enlarged on bail.

4. Learned Government Advocate (Criminal Side) opposed the grant of bail to the appellant stating that the appellant, who is a neighbour of the victim/*de facto* complainant, a physically challenged person aged about 21 years, trespassed into her house and taking advantage of the absence of her family members in the house, committed a gruesome penetrative sexual assault on her. He further submitted that as the victim/*de facto* complainant was unable to move, she informed about the incident to her mother on her arrival. He also submitted that the charge sheet has been filed before jurisdictional Court and is yet to be numbered.



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5. Learned counsel appearing for the victim/*de facto* complainant

submitted that the victim/*de facto* complainant is a physically challenged girl who is unable move out of her bed on her own and is dependent on others for her mobility. Therefore, taking advantage of the victim's disability and the absence of her family members in her house, the appellant trespassed into her house in broad daylight and by covering her mouth and eyes with her mother's saree, brutally raped her. Hence, he vehemently opposed the grant of bail.

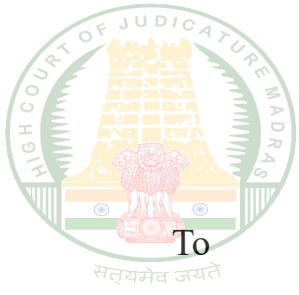
6. Having heard the learned counsel appearing on both sides and upon perusal of the materials available on record and considering the gravity of the allegations and taking note of the brutal nature of the offence, wherein the appellant is alleged to have committed a gruesome penetrative sexual assault on a physically challenged victim, this Court does not find any infirmity in the order impugned declining bail to the appellant and accordingly, this Court is not at all inclined to grant bail to the appellant.

7. In the result, this Criminal Appeal stands dismissed.

06.04.2026

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To

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1. The District and Sessions Judge,
Nagapattinam District.
2. The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.
3. The Inspector of Police,
AWPS, Vedaranyam,
Nagapattinam District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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