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Crl.A.No.327 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2026

CORAM:

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

Crl.A.No.327 of 2026

Anbazhagan

...Appellant

Vs.

1. The Deputy Superintendent of Police,
Thittagudi Sub Division,
Cuddalore District.
2. State rep. by the Station House Officer,
Thittagudi Police Station,
Cuddalore District.
Crime No.174 of 2024.

3. Shalini

...Respondents

Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, seeking to set aside the order dated 10.03.2026 made in M.P.No.6 of 2026 in S.C.No.4 of 2025 by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore (FAC) and to enlarge the appellant on bail in connection with Crime No.174 of 2024 on the file of the respondent, by allowing this criminal appeal.

For Appellant : Mr.D.Lakshmipathy

For Respondents : Ms.J.R.Archana, GA(Crl. Side), for R1 & R2
: Mr.M.Velmurugan, for R3



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ORDER

This criminal appeal has been filed seeking quashment of the order dated 10.03.2026 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore (FAC), in M.P.No.6 of 2026 in S.C.No.4 of 2025, dismissing the petition filed by the appellant seeking bail in Crime No.174 of 2024.

2. The case of the prosecution as per the 3rd respondent/*de facto* complainant is that the appellant/A1 and the de facto complainant are husband and wife, their marriage being one of a love and that they were blessed with a girl child. Subsequent to the marriage, the appellant, along with his family members, subjected the de facto complainant to continuous harassment, abused her in filthy language, including caste-based slurs, and demanded dowry. Unable to withstand the same, the de facto complainant left the matrimonial home in the year 2024. Thereafter, based on the complaint lodged by the *de facto* complainant, the case in Crime No.174 of 2024 came to be registered on the file of the 2nd respondent police for the offences under Sections 296(b), 85, 115(2) & 351(3) of BNS r/w. Section 4 of the Dowry Prohibition Act r/w. Sections 3(1)(s), 3(1)(r) & 3(2)(va) of SC/ST (PoA) Act as against the appellant

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and other accused persons and after completion of investigation, the final report was filed before the Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore (FAC) for the offences under Sections 296(b), 85, 115(2), 351(3), 131, 126(2) & 351(2) of BNS, Section 4 of the Dowry Prohibition Act and Sections 3(1)(s), 3(1)(r) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act and the same was taken on file in S.C.No.4 of 2025.

3. Learned counsel for the appellant made the following submissions:

3.1 The appellant is innocent and due to some matrimonial dispute, a false and exaggerated complaint came to be lodged against the appellant on 03.08.2024, pursuant to which, the appellant was arrested and remanded to judicial custody on 04.08.2024. Subsequently, the appellant was enlarged on bail subject to certain conditions, vide order dated 27.08.2024 made in Crl.M.P.No.1282 of 2024.

3.2 Thereafter, alleging that the appellant had gone to the work place of the de facto complainant, abused her by uttering caste-based slurs, assaulted her, criminally intimidated her with dire consequences and coerced her to withdraw the case in S.C.No.4 of 2025, which is a clear violation of the conditions imposed by the trial court while granting



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bail, the de facto complainant filed a petition for cancellation of bail in

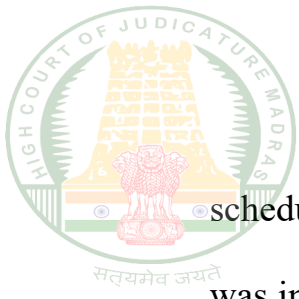
Crl.M.P.No.5 of 2026 and the trial court, vide order dated 16.02.2026

allowed the said petition, cancelled the earlier bail granted to the appellant and remanded him to judicial custody on the same day. In the interregnum, the de facto complainant had once again made a false complaint against the appellant, which, upon enquiry, was closed by the respondent-police.

3.3 Aggrieved by the cancellation of bail and his continued incarceration, the appellant filed a fresh bail petition in M.P.No.6 of 2026. However, the trial court, without taking into consideration the grounds raised by the appellant, mechanically dismissed the said petition on the ground that the earlier cancellation of bail was on account of alleged intimidation of witnesses, which is wholly unsustainable. Further, the principal witnesses have already been examined and there is no likelihood of the appellant either threatening the witnesses or tampering with evidence. Hence, the impugned dismissal order may be set aside and the appellant may be enlarged on bail.

4. Learned Government Advocate (Criminal Side) appearing for 1st and 2nd respondents, reiterated the prosecution case and submitted that the appellant is the husband of the de facto complainant, who belongs to a

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scheduled caste community and the appellant was addicted to alcohol and was in the habit of frequent quarrelling with the de facto complainant and demanding dowry and when the same was refused by the de facto complainant, the appellant and his family members, allegedly subjected her to verbal abuse in filthy language, including by referring to her caste name. She further submitted that the earlier bail granted to the appellant was cancelled on the specific ground that he threatened the witnesses. However, she fairly submitted that pursuant to a subsequent complaint lodged by the 3rd respondent/de facto complainant, an enquiry was conducted and the same has since been closed. Hence, she vehemently opposed for grant of bail to the appellant.

5. Learned counsel appearing for the 3rd respondent submitted that the appellant had been continuously subjecting the 3rd respondent to harassment and had repeatedly threatened her to withdraw the pending case in S.C.No.4 of 2025 and when the de facto complainant refused to do so, the appellant not only assaulted the de facto complainant but also abused her in filthy language, including by referring to her caste name and if the petitioner is enlarged on bail, he may once again harass the 3rd respondent/de facto complainant and interfere with her day-to-day duties and work. He further submitted that though a subsequent complaint was



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lodged by the 3rd respondent and an enquiry was conducted by the respondent-police, the same was closed and no further action was taken on the premise that the dispute was matrimonial in nature. Hence, he vehemently opposed for grant of bail to the appellant.

6. Having heard the learned counsel on either side and upon perusal of the materials available on record and also taking note of the fact that the main witnesses have already been examined and also the period of incarceration undergone by the appellant, this Court is inclined to set aside the impugned dismissal order dated 10.03.2026.

7. Accordingly, the impugned order dated 10.03.2026 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore (FAC), in M.P.No.6 of 2026 in S.C.No.4 of 2025 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)** with two sureties, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore (FAC)**, and on further conditions that:

[a] the sureties shall affix their photographs and
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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the appellant shall appear before the trial court, everyday at 10.30 a.m., until further orders;

[c] the appellant shall not enter the jurisdictional limits where the 3rd respondent resides and shall refrain from contacting the 3rd respondent/de facto complainant, either directly or indirectly;

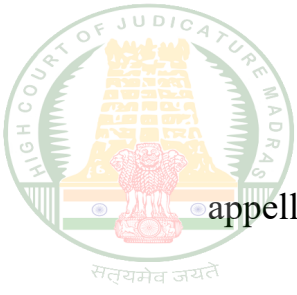
[d] the appellant shall not abscond either during investigation or trial;

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

[f] 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]*;

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

8. It is made clear that in the event of violation of any of the abovesaid conditions, the 3rd respondent/de facto complainant is at liberty to approach this Court seeking cancellation of the bail granted to the



appellant.



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9. With the above directions, this criminal appeal stands allowed.

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NCC : Yes/No

Note to office: Issue order copy on 28.04.2026.

To:

1. The Sessions Judge,
Special Court for trial of cases under SC/ST (PoA) Act,
Cuddalore (FAC).

2. The Superintendent,
Central Prison,
Cuddalore.

3. The Deputy Superintendent of Police,
Thittagudi Sub Division,
Cuddalore District.

4. The Station House Officer,
Thittagudi Police Station,
Cuddalore District.

5. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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