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CRL.A.No.393 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

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

CRL.A.No.393 of 2026

Santhoshkumar

..Appellant(s)

Vs.

1. The Deputy Superintendent of Police,
Udumalpet Sub-Division,
Tiruppur.
2. The Inspector of Police,
Komaralingam Police Station,
Tiruppur.
Crime No.21 of 2026.
3. Riju

..Respondent(s)

Prayer : Criminal Appeal filed Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeking to call for the records and set aside the order dated 23.03.2026 passed in Crl.MP.No.36 of 2026 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur and grant bail to the appellant herein.



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For Appellant : Mr.R.Kannan
For R1 & R2 : Ms.J.R.Archana,
Government Advocate (Criminal Side)
For R3 :
No appearance

JUDGMENT

The present Criminal Appeal has been filed against the order dated 23.03.2026 passed in Crl.M.P.No.36 of 2026, by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, dismissing the petition filed by the appellant/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 third respondent/de-facto complainant and one Aswin of Pethappampatti, on 27.01.2026, at about 1.00 a.m., the said Aswin, along with the appellant herein and his few



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associates, came to the farmland, where the third respondent/de-facto complainant was working, in a JCB vehicle, cars and tractors. They abused the third respondent/de-facto complainant by calling him by his caste name, assaulted both the third respondent/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 third respondent/de-facto complainant and his colleague sustained injuries and were taken to hospital. Thereafter, based on the complaint lodged by the third respondent/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. The learned counsel appearing for the appellant would submit that the appellant is innocent and he has been falsely implicated in this case. The 1st accused Aswin is the owner of the property measuring 12 acres and 7 cents in several survey numbers in Madathukulam Village and he has



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been issued with pattas for the same. He had also leased the property to one Pushpa. While so, one Gopinath attempted to interfere in the possession of the lessee of the said Aswin. 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 said Aswin along with the appellant and other associates, has assaulted him and also abused them by caste name. He would further submit that this Court has granted bail to the co-accused in this case in Crl.A.Nos.248, 215 & 284 of 2026 vide judgments dated 18.03.2026 and 24.03.2026 respectively. He would also submit that the appellant has been in custody for 70 days from 28.01.2026



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4. The 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 said Aswin and one Gopinath. The said Aswin had engaged services of the other accused including the appellant herein and had gone to the farm land during wee hours and brutally assaulted the third respondent/de-facto complainant and his co-employees, resulting in them sustaining injuries. They, coming to know of the caste of the third respondent/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. It is further contended by the learned counsel for the appellant that though he has taken private notice to the third respondent, the third respondent failed to appear before this Court. He would also contend that even in the other appeals filed by the co-accused, though notice was served on the third respondent and his name was printed in the cause list, there was no representation on his behalf.



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6. The learned Government Advocate (Criminal Side) also submitted that though notice has been served on the third respondent, none appeared on his behalf.

7. Having heard the learned counsel appearing for the appellant and the learned Government Advocate (Criminal Side) appearing for the first and 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 and that the co-accused have been granted bail, this Court is inclined to set aside the order impugned dated 23.03.2026.

8. 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 a major part of the investigation is over, this Court is inclined to grant bail to the appellant.



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9. Accordingly, this Criminal Appeal stands allowed, the impugned order dated 23.03.2026 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, in Crl.M.P.No.36 of 2026, is hereby set aside and the appellant is ordered to be released on bail on the following conditions:-

- i. the appellant shall execute 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 Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur;
- ii. 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;
- iii. the appellant shall appear before the second respondent Police, everyday at 10.30 a.m., until further orders;
- iv. the appellant shall not abscond either during investigation or trial;



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- v. the appellant shall not tamper with evidence or witness either during investigation or trial;
- vi. 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];
- vii. If the appellant thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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

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Note: Issue Order Copy Today.



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To

1. The Deputy Superintendent of Police,
Udumalpet Sub-Division,
Tiruppur.
2. The Inspector of Police,
Komaralingam Police Station,
Tiruppur.
3. The Sessions Judge,
Special Court for Trial of Cases under SC/ST (PoA) Act,
Tiruppur.
4. The Superintendent,
Central Prison, Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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