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Crl.A.No.469 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2026

CORAM:

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

Crl.A.No.469 of 2026

Muthusamy

... Appellant

Vs.

1. The State represented by,
The Deputy Superintendent of Police,
Udulmalpet Sub-Division,
Tiruppur.

2. The Inspector of Police,
Komaralingam Police Station,
Tiruppur District.
(Crime No.21 of 2026)

3. Riju

... Respondents

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order passed in Crl.M.P.No.42 of 2026 dated 24.03.2026 by the Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur and to enlarge the appellant on bail.

For Appellant : Mr.S.Arivazhagan

For R1 & R2 : Ms.J.R.Archana
Government Advocate (Criminal Side)

For R3 : No Appearance



Crl.A.No.469 of 2026

ORDER

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The present Criminal Appeal has been filed against the order dated 24.03.2026 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruppur, in Crl.M.P.No.42 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 one Aswin/A1 of Pethappampatti, on 27.01.2026, at about 1.00 a.m., the first accused, 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 grievous 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),

2/7



Crl.A.No.469 of 2026

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 counsel appearing for the appellant submitted that the appellant is innocent and has been falsely implicated in this case. He further submitted that though the name of the appellant does not find place in the First Information Report, he was later implicated in this case as A2. He also submitted that there is no specific allegation against the appellant, who has been suffering incarceration in Central Prison, Coimbatore District. However, the Court below, without taking into consideration the grounds raised by the appellant, dismissed his bail petition vide order dated 24.03.2026. He further submitted that co-accused in this case, including the first accused, have been enlarged on bail by this Court. Hence, he prayed to set aside the said order.

4. Learned Government Advocate (Criminal Side) appearing for respondents 1 and 2, reiterated the prosecution case and submitted that though the name of the appellant/A2 does not find place in the First



Information Report, during enquiry, it came to light that the appellant was the person who had engaged henchmen to assemble and create a riot at the farmland where the *de facto* complainant is employed. She further submitted that the injured persons have been discharged from the hospital. She also submitted that the appellant is a history sheeted rowdy having eight previous cases.

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, including the counter filed by the first respondent and taking note of the fact that the co-accused in this case have been enlarged on bail and the period of incarceration undergone by the appellant, this Court is inclined to set aside the order dated 24.03.2026.

7. Accordingly, the impugned order dated 24.03.2026 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST



Crl.A.No.469 of 2026

(PoA) Act, Tiruppur, in Crl.M.P.No.42 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) 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 pass Book to ensure their identity;

[b] the appellant shall appear before the second respondent police, everyday at 06.30 p.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]*;



Crl.A.No.469 of 2026

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

8. With the above directions, this Criminal Appeal stands
allowed.

28.04.2026

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Neutral Citation: Yes/No

To

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



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Crl.A.No.469 of 2026

A.D.JAGADISH CHANDIRA, J.

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Crl.A.No.469 of 2026

28.04.2026