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Crl.A.No.470 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2026

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.A.No.470 of 2026

S.Sanjay S/o Saravanan

... Appellant /Accused No.1

Vs

1. The State represented by:

The Deputy Superintendent of Police,
Tiruchengode, Namakkal District.

2. The State represented by:

Inspector of Police,
Velagoundampatty Police Station
Namakkal District.
(Cr.No.2/2025)

3. Jayakodi

... Respondents

PRAYER: - Criminal Appeal filed under Section 14-A(ii) of SC/ST Act, r/w 415(2) of BNSS, to set aside the impugned order in Crl.M.P.No.25 of 2026 dated 30.03.2026 passed by the Special District Court for trial of cases under SC/ST (POA) Act, Namakkal and enlarge the appellant / accused on bail.

For Appellant : Mr.C.Deepak Kumar

For Respondents : Mr.A.Damodaran



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Addl. Public Prosecutor for R1 & R2
R3 – No appearance

J U D G M E N T

The present criminal appeal has been filed to set aside the impugned order, dated 30.03.2026 made in Crl.M.P.No.25 of 2026 on the file of the Special District Court for trial of cases under SC/ST (POA) Act, Namakkal and enlarge the appellant / accused on bail in Crime No.2 of 2025 on the file of the respondent Police.

2. The appellant / A4 was arrested and remanded to judicial custody on 28.11.2025 for the alleged offences under Sections 103(1), 61(2) and 49 of BNS, 2023 read with Section 3(2)(V) of the Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution is that the appellant / A4, along with others went to TASMACH shop in a car and A1 to A3 brutally attacked the victim till his death. The appellant was already enlarged on bail by this Court in Spl.C.C.No.14 of 2025 and when the said case was posted for hearing, the petitioner did not appear before the trial court. Due to the



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absence of the petitioner, a non-bailable warrant was issued against the petitioner and the same was executed on 28.11.2025. and hence on the very same day, he was remanded back to judicial custody. The appellant continues to remain in prolonged custody despite his full compliance with the bail conditions. Hence, the present criminal appeal has been filed challenging the impugned order dated 30.04.2026.

4. The learned counsel appearing for the appellant submitted that the petitioner was falsely implicated in the present case and the petitioner has not committed any such offence as alleged by the prosecution. The petitioner is undergoing incarceration for the past 130 days and the charge sheet has been filed and the same was taken on file in Spl.S.C.No.14 of 2025 and the case is pending for trial.

5. Today, when the appeal came up for hearing, there is no representation on the side of the third respondent / de facto complainant and the name of the 3rd respondent has been printed in the cause list.



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6. On the other hand, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that if the petitioner is released on bail, he will cause harm to the de facto complainant and would also tamper the witnesses which will cause hindrance to the trial process and hence, seeks dismissal of the present appeal.

7. I have considered the rival submissions made by the learned counsels appearing on either side.

8. Considering the above facts and circumstances of the case and the fact that the appellant has co-operated with the investigation and complied with all bail conditions earlier imposed and also considering the fact that the charge sheet has already been filed, and now the case is pending for trial and the petitioner is in custody from 28.11.2025, this Court is inclined to allow the criminal appeal by setting aside the order, dated 30.04.2026 made in Crl.M.P.No.25 of 2026 on the file of the Special District Court for trial of cases under SC/ST (POA) Act, Namakkal.



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9. Accordingly, the Criminal Appeal is allowed and the order, dated 30.04.2026 made in Crl.M.P.No.25 of 2026 on the file of the learned Special District Court for trial of cases under SC/ST (POA) Act, Namakkal, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special District Court for trial of cases under SC/ST (POA) Act, Namakkal, and on further condition that:

(i) the appellant shall appear before the trial Court daily at 10.30 a.m. until further orders;

(ii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) the appellant shall appear before the trial Court on all hearings;

(iv) the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.



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(v) the appellant shall not commit any offences of similar nature;

(vi) the appellant shall not abscond either during investigation or trial;

(vii) the appellant shall not tamper with evidence or witness either during investigation or trial;

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

(ix) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

MJS

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Central Prison
Salem.
2. The Special District Court for trial of cases
under SC/ST (POA) Act, Namakkal
3. The Public Prosecutor,
Madras High Court, Chennai.
4. The Deputy Superintendent of Police,
Tiruchengode, Namakkal District.
5. The Inspector of Police,
Velagoundampatty Police Station
Namakkal District.



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P.DHANABAL, J.

MJS

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