



Crl.A.Nos.479 & 480 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

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CORAM:

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

Crl.A.Nos.479 & 480 of 2026

Parthiban ...Appellant in Crl.A.No.479 of 2026

Sethuvasan @ Kunda Boopalan ...Appellant in Crl.A.No.480 of 2026

Vs.

State rep. by,

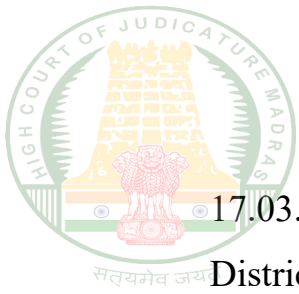
1. The Deputy Superintendent of Police,
Bhavani Sub-Division,
Chithode Police Station.

2. The Inspector of Police,
Chithode Police Station
Crime No.137 of 2025.

3. S.Saranya ...Respondents in both appeals

Prayer in Crl.A.No.479 of 2026 : Criminal Appeal filed under Section 14(A)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act r/w 415(2) of BNSS, seeking to set aside the order dated 23.03.2026 passed in Crl.M.P.No.397 of 2026 by the learned Principal District and Sessions Judge, Erode and enlarge the appellant/accused on bail in Crime No.137 of 2025.

Prayer in Crl.A.No.480 of 2026 : Criminal Appeal filed under Section 14(A)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act r/w 415(2) of BNSS, seeking to set aside the order dated
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17.03.2026 passed in Crl.M.P.No.389 of 2026 by the learned Principal District and Sessions Judge, Erode and enlarge the appellant/accused on bail in Crime No.137 of 2025.

In both appeals:

For Appellant : Mr.D.Mario Johnson

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

COMMON ORDER

These criminal appeals have been filed seeking quashment of the orders dated 23.03.2026 & 17.03.2026 made in Crl.M.P.Nos.397 & 389 of 2026 respectively by the learned Principal District and Sessions Judge, Erode, dismissing the respective bail petitions filed by the appellants.

2. The brief facts are as follows:

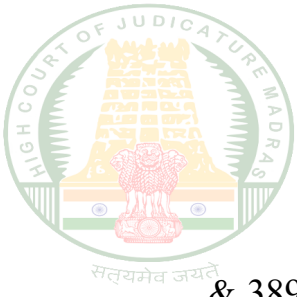
2.1 The case of the prosecution is that on 19.03.2025, while the deceased, Chanakya @ John, along with his wife Saranya/de facto complainant, was travelling by car from Salem towards Tiruppur, the appellants, along with other accused, intercepted and dashed their vehicle against the car of the deceased near Nasiyanur. The accused persons, having conspired together with the intent to commit murder, brutally assaulted the deceased with deadly weapons such as knives and machetes



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in the presence of his wife/de facto complainant, as a result of which, the deceased died on the spot due to the multiple fatal injuries sustained during the attack.

2.2 Based on the complaint lodged by the de facto complainant, a case in Crime No.137 of 2025 came to be registered by the respondent police initially against one Jeevagan/A-1 and 9 others for the offences under Sections 191(2), 191(3), 109(1) & 103 of the Bharatiya Nyaya Sanhita (BNS), 2023. During the course of the investigation, it was established that the deceased belonged to a Scheduled Caste (SC) community and hence, the case was subsequently altered to one under Sections 49, 61(2), 3(5), 191(2), 191(3), 109(1) & 103 of the Bharatiya Nyaya Sanhita (BNS), 2023 r/w. Sections 3(2)(v) & 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. After completion of investigation, the final report was filed against 14 persons, including the appellants herein, for the offences under Sections 109(1), 49, 61(2), 3(5), 103(1), 238(a), 336(3) & 324(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(2)(v) & 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and the same was taken on file in Spl.S.C.No.16 of 2025 by the learned Principal District and Sessions Judge, Erode.



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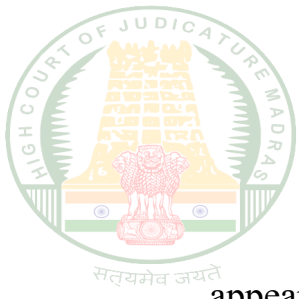
2.3 The appellants herein filed bail petitions in Crl.M.P.Nos.397

& 389 of 2026 respectively. However, the trial court, without considering any of the above said facts, dismissed the said bail petitions, vide orders dated 23.03.2026 & 17.03.2026 respectively. Challenging the same, the appellants have come up with these appeals.

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

3.1 The appellants are innocent and they have been falsely implicated in this case. Further, the alleged occurrence is on account of group rivalry and not on account of any communal enmity and even as per the prosecution, the specific allegation against the appellants is that they monitored the movements of the deceased and provided real-time information to A-1 and there is no overt act attributed to the appellants other than the alleged communication.

3.2 The co-accused have been granted bail by this Court, vide orders dated 11.03.2026 and 15.04.2026 made in Crl.A.Nos.1641 of 2025 & 370 of 2026 respectively. Hence, the impugned dismissal order may be set aside and the appellants may also be enlarged on bail.



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4. Per contra, the learned Government Advocate (Criminal Side)

appearing for 1st and 2nd respondents, reiterated the prosecution case and submitted that the appellants are close associate of A-1. She specifically alleged that the appellants monitored the movements of the deceased and his wife/de facto complainant and provided critical intelligence to A-1. Acting on the said information, A-1 along with the other accused persons, intercepted the vehicle of the deceased, dashed against it, and committed a brutal murder in broad daylight. After committing the murder, the accused persons engaged in acts of rioting to terrorise the witnesses. The appellants' involvement in the conspiracy is evidenced by the confession statement of A-1, which details how the appellants tracked the deceased. She also submitted that there are four previous cases pending against the appellant in Crl.A.No.479 of 2026, who has been arrayed as A13 and she fairly submitted that there is no previous case pending against the appellant in Crl.A.No.480 of 2026, who has been arrayed as A9. Hence, she vehemently opposed the grant of bail by citing the previous cases pending against the respective appellants, the heinous nature of the crime, and the potential threat to the de facto complainant.

5. Learned counsel appearing for the 3rd respondent/de facto complainant, while reiterating the submissions made by the learned



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Government Advocate (Criminal Side) appearing for 1st and 2nd

respondents, vehemently opposed for allowing these appeals.

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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 co-accused have already been granted bail by this Court and also the period of incarceration undergone by the appellants, this Court is inclined to set aside the impugned dismissal orders dated 23.03.2026 & 17.03.2026 made in Crl.M.P.Nos.397 & 389 of 2026 respectively.

7. Accordingly, the impugned orders dated 23.03.2026 & 17.03.2026 passed by the learned Principal District and Sessions Judge, Erode, in Crl.M.P.Nos.397 & 389 of 2026 respectively are set aside and the appellants are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each, with two sureties, each for a like sum to the satisfaction of the learned **Principal District and Sessions Judge, Erode**, 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;



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[b] the appellants shall appear before the trial court, on all working days at 10.30 a.m., until further orders;

[c] the appellants shall not abscond either during investigation or trial;

[d] the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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]***;

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

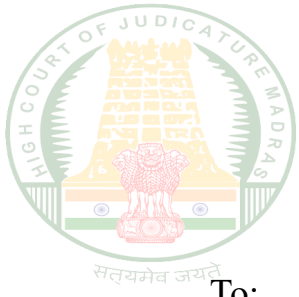
8. With the above directions, these criminal appeals stand allowed.

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NCC : Yes/No

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1. The Principal District and Sessions Judge,
Erode.
2. The Superintendent,
District Jail,
Tiruppur.
3. The Deputy Superintendent of Police,
Bhavani Sub-Division,
Chithode Police Station.
4. The Inspector of Police,
Chithode Police Station,
Erode District.
5. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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