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Crl.A.No.500 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2026

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL.A.No.500 of 2026

P.Jeevagan

... Appellant /Accused No.1

Vs

1. The State,
Rep. by The Deputy Superintendent of Police,
Bhavani Sub Division,
Chithode Police Station,
Erode District.

2. The Inspector of Police,
Chithode Police Station,
Erode District.
(Cr.No.137/2025)

3. S.Saranya

... Respondents

PRAYER: - Criminal Appeal filed under Section 14-A(i) of SC/ST Act, r/w 415(2) of BNSS, to set aside the impugned order in Crl.M.P.No.487 of 2026 dated 08.04.2026 passed by the Principal District and Sessions Court, Erode and enlarge the appellant / accused on bail in Crime No.137 of 2025.

For Appellant : Mr.E.Kannadasan

For Respondents : Mr.A.Damodaran
Addl. Public Prosecutor for R1 & R2
R3 – No appearance



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J U D G M E N T

The present criminal appeal has been filed to set aside the impugned order, dated 08.04.2026 made in Crl.M.P.No.487 of 2026 on the file of the Principal District and Sessions Court, Erode and enlarge the appellant / accused on bail in Crime No.137 of 2025 on the file of the respondent Police.

2. The appellant / A1 was arrested and remanded to judicial custody on 20.03.2025 for the alleged offences under Sections 191(2), 191(3), 109(1), 103 BNS @ 49, 61(2), 3(5), 191(2), 191(3), 109(1), 103 BNS and Section 3(2)(v)(va) SC/ST (POA) Act, 1989.

3. The case of the prosecution is that the appellant, along with others attacked the deceased near Nasiyanur, resulting in his death. The appellant submits that the statutory period of 90 days for filing the final report expired on 18.06.2025. Despite the same, instead of granting statutory bail, the trial Court granted only interim bail. The appellant complied with all the conditions imposed without any violation.



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Subsequently, a false complaint was allegedly lodged against the appellant in Crime No.234 of 2025 during the period of bail, in which no charge sheet has been filed till date. The challenge made by the appellant against the denial of statutory bail was dismissed by this Court on 25.07.2025 and 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 08.04.2026.

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 and the charge sheet has been filed and the same was taken on file in Spl.S.C.No.16 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.



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6. On the other hand, the learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that the petitioner is the prime accused and he has 13 previous cases and if he is released on bail, he will cause harm to the de facto complainant and would also tamper the witnesses which will hinder the investigation 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, this Court is inclined to allow the criminal appeal by setting aside the order, dated 08.04.2026 made in Crl.M.P.No.487 of 2026 on the file of the Principal District and Sessions Court, Erode.



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9. Accordingly, the Criminal Appeal is allowed and the order, dated 08.04.2026 made in Crl.M.P.No.487 of 2026 on the file of the learned Principal District and Sessions Court, at Erode, 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 Principal District and Sessions Judge, Erode, 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.

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



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(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

vji

Note:

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

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.

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To

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



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P.DHANABAL, J.

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