



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

CRL A No. 619 of 2026

K.Nithyananth
S/o. Kailasam,
6/18B, Kodamakaddu,
Namagiripettai, Rasipuram, Namakkal.

..Appellant

Vs

1. The Superintendent of Police
Namakkal, Namakkal District.
2. The Assistant Superintendent of Police
Namagiripettai Police Station,
Namakkal District.
(Crime No. 283/2025)
3. Sakthivel
S/O. Laksumanan,
5/24, Priyatharsini Thottam,
Thoppapatti, Rasipuram Taluk,
Namakkal District.

..Respondent

Criminal Appeal is filed under Section 14-A of the Scheduled Castes/Schedule Tribes (Prevention of Atrocities) SC/ST (PoA), Amendment Act 2015 read with Section 415(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, pleaded to set aside the order passed in C.M.P.No.14 of 2026 dated 09.04.2026 on the file of the learned Sessions Judge, Special Court for Trial of cases Registered under SC/ST (POA) Act, Namakkal and enlarge the appellant on bail pending investigation in connection with Crime No.283 of 2025 on the file of the 2nd respondent police.



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For Appellant : Mr. M. Karthik

For Respondents : Mr. M. Mohamed Riyaz, (for R1 & R2)
Government Advocate (Crl Side)

Mr. R.Nalliyappan (for R3)

JUDGMENT

The Appellant has preferred this Criminal Appeal challenging the order dated 09.04.2026 passed in C.M.P.No.14 of 2026 by the learned Sessions Judge, Special Court for Trial of cases Registered under SC/ST (POA) Act, Namakkal, whereby the petition filed by the Appellant under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking bail, came to be dismissed.

2. Heard the learned counsel for the Appellant and the learned Government Advocate (Criminal side) for the Respondents 1 and 2, and perused the materials available on record.

3. The alleged occurrence is said to have taken place on 14.12.2025. The Appellant was arrested on 25.12.2025. By the impugned Judgment, the Trial Court dismissed the petition filed seeking bail under Section 483 of BNSS, 2023, *inter alia*, on the following observations:

“ 3.The learned Special Public Prosecutor argued that, the Defacto complainant undergone varies surgeries and still taking treatment. Due to the occurrence the Defacto complainant is still taking treatment and bed



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ridden. He was not able to appear this court even today due to his pain and sufferings. If at all the Petitioner/Accused released on bail, he may create further problems to defacto complainant and may tamper the evidence of prosecution.

4.The learned counsel for Petitioner/Accused argued that due to previous enmity false complaint alleged against accused. The accused is only bread winner of his family.

5. Considering all the above aspects, it is very clear that the defacto complainant is still undergoes treatment. Considering the nature and gravity of the circumstances this court is not inclined to grand bail to the Petitioner/Accused. Hence, this petition is dismissed.”

4. The allegations against the Appellant are that he not only caused bodily injuries, but also used his caste-based abusive words against one Elango, an employee of the defacto complainant/ 3rd Respondent herein. The 3rd Respondent himself is stated to have sustained severe injuries and he is also still undergoing treatment.

5. The learned counsel appearing for the 3rd Respondent submitted that if the Appellant is enlarged on bail, he may retaliate against the 3rd Respondent/de facto complainant, putting his life in danger.

6. The learned Government Advocate (Criminal Side), on the other hand, submitted that apart from the present case, the Appellant is also involved in three other criminal cases. The details of the said cases are as follows :-

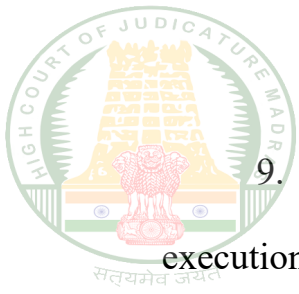


S.No.	Police Station/ Place of Registration	F.I.R Number	Offences Registered under Sections
1.	Namagiripettai	Crime No.378 of 2021	4(1)(aaa), 4(1)(g), 4(1-A) TNP Act – UI.
2.	Namagiripettai	Crime No.227 of 2023	4(1)(aaa), 4(1)(A) of TNP Act – NTF
3.	Elachipalayam	Crime No.32 of 2025	296(b), 329(3), 115(2), 118(1) and 351(3) of BNS - NTF

Further, he submitted that a final report has already been filed and the cognizance offences were taken on file in Spl.S.C.No.14 of 2026 before the learned Sessions Court, Namakkal.

7. Considering the fact that the Appellant has been in incarceration from 25.12.2025, that the investigation has been completed, the final report has been filed, and cognizance of the offences has already been taken by the Trial Court, I am inclined to enlarge the Appellant on bail, subject to some conditions.

8. Accordingly, the order dated 09.04.2026 passed in C.M.P.No.14 of 2026 on the file of the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal, is set aside and this Criminal Appeal stands allowed.



9. Consequently, the Appellant is ordered to be released on bail on his execution of a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)**, with two sureties, each for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Trial of cases Registered under SC/ST (POA) Act, Namakkal** 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 Aadhaar Cards or Bank Pass Books to ensure their identities;

[b] the Appellant shall appear before the Trial Court, on all working days at 10.30 a.m., until further orders;

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

[d] the Appellant shall not tamper with evidence or influence witnesses either during the investigation or during the 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 were imposed and the Appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the



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Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala*
[(2005)AIR SCW 5560];

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

12-06-2026

Neutral Citation: Yes/No

klt

To

1. The Sessions Judge,
Special Court for Trial of Cases Registered under SC/ST (POA) Act,
Namakkal.
2. The Superintendent of Police, Namakkal.
3. The Assistant Superintendent of Police
Namagiripettai Police Station, Namakkal.
4. The Superintendent of Police, Central Prison, Salem.
5. The Public Prosecutor, High Court of Madras.



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C.SARAVANAN, J

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