



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL A No. 701 of 2026

Appalam @ Anbazhagan

Appellant(s)

Vs

1. State of Tamil Nadu

Represented by

The Deputy Superintendent of Police,
Nagapattinam, Nagapattinam District.

2.State of Tamil Nadu

Represented by

The Sub Inspector of Police,
Vedharanyam Police Station,
Nagapattinam District.

3.Govindaraj

Respondent(s)

PRAYER: Criminal Appeal filed under Section 14(A)(2) of the Scheduled Caste and Scheduled Tribes Act, 1989, to set aside the order passed by the Hon'ble Vacation Sessions Judge, Nagapattinam in CrI M.P.No.349 of 2026 dated 20.5.2026 and enlarge the petitioner on bail.

For Appellant(s): Mr.A.Sundaravadhanan

For Respondent(s): Mrs.Sharada Vivek
Government Advocate (Crl. Side)
for R1 and R2
No appearance-R3

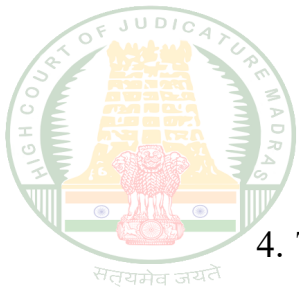


JUDGMENT

This Criminal Appeal has been filed seeking to set aside the order passed by the learned Vacation Sessions Judge, Nagapattinam in Crl M.P.No.349 of 2026, dated 20.5.2026 and to enlarge the petitioner on bail.

2. The appellant, who is arrayed as the sole accused in Crime No.123 of 2026 registered for the offence under Section 296(b), 115(2) of BNS, 2023, Section 3(1)(s) and 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, had filed a bail application in Crl.M.P.No.349 of 2026. By order dated 20.05.2026, the learned Vacation Sessions Judge, Nagapattinam, dismissed the same. Aggrieved by the said order, the appellant has filed the present appeal.

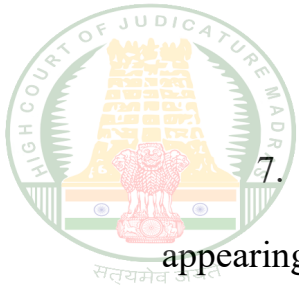
3. The case of the prosecution is that on 24.04.2026 at about 1 p.m., while the de facto complainant was purchasing liquor, he and the appellant met each other at the Aarukattuthurai Liquor Shop. At that time, the appellant questioned the de facto complainant as to whom he had cast his vote. When the de facto complainant refused to answer, a wordy quarrel ensued between them. During the quarrel, the appellant allegedly abused the de facto complainant by uttering his caste name, slapped him and pushed him down. Hence, the present case came to be registered.



4. The learned counsel for the appellant submitted that the appellant has been falsely implication in this case. According to him, the dispute arose only on account of question regarding the person to whom the de facto complainant had cast his vote, which led to wordy altercation. The de facto complainant and the appellant were known to each other and, at the spur of the moment, the appellant allegedly assaulted defacto complainant by calling his caste name. If that is taken to be true, then no offence made out calling caste name causing insult in public place, in public view, both are required. In this case, as per the complaint, public presence is shown. It is also submitted that the appellant is in judicial custody from 30.04.2026.

5. The learned counsel further submitted that the trial Court failed to consider the delay, the alleged occurrence took place on 24.04.2026, but the complaint lodged only on 30.04.2026. Thereafter, the appellant was arrested and he is in judicial custody from 30.04.2026.

6. Notice was ordered to the de facto complainant/3rd respondent through the Jurisdictional Inspector of Police.

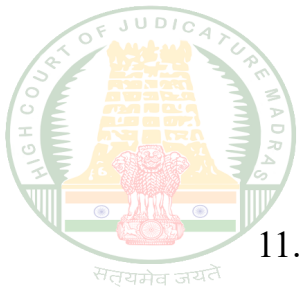


7. On instructions, the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the respondent police had informed de facto complainant in person.

8. Heard the learned counsel for the appellant and the learned Government Advocate (Crl. Side) appearing for the respondent police. This Court also perused the materials available on record.

9. Considering the submissions made by the learned counsel on either side and upon perusal of the materials available on record, it is seen that despite private notice, Court notice and notice through the Jurisdictional Inspector of Police, the 3rd respondent has neither appeared in person nor through counsel. Sufficient opportunity has been afforded to the 3rd respondent. Hence, this Court is of the view that the 3rd respondent has no serious objection to setting aside the order passed in Crl.M.P.No.349 of 2026, dated 20.05.2026.

10. At this juncture, the learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the investigation in Crime No.123 of 2026 for the offences Section 296(b), 115(2) of BNS, 2023, Section 3(1)(s) and 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act has been completed.



11. In view of the above submission made by the learned Government Advocate (Crl. Side), taking into account that the appellant has been in judicial custody from 30.04.2026 and also considering the nature of allegations, this Court is inclined to grant bail to the appellant subject to certain conditions.

12. Accordingly, the appellant is ordered to be released on bail subject to the following conditions;

(a) the appellant shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Vedaranyam;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellant is directed to appear before the trial Court on all hearing dates without fail;

(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 Judicial 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];

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

13. With the above directions, this Criminal Appeal is allowed.

02-07-2026

Jd

Neutral Citation: Yes/No

Note: Issue order copy today i.e., on 02.07.2026.

To

1. The Learned District Munsif cum Judicial Magistrate, Vedaranyam.
2. The Sub Jail, Nagapattinam.
3. The Deputy Superintendent of Police, Nagapattinam, Nagapattinam District.
4. The Sub Inspector of Police, Vedharanyam Police Station, Nagapattinam District.
5. The Public Prosecutor, Madras High Court.



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M.NIRMAL KUMAR J.
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