



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

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THE HON'BLE MR JUSTICE C. SARAVANAN

CRL A No. 696 of 2026

Kamaraj
S/o Kumarasamy,
NO.711, Andavar Street,
Near Collector Office,
Palpannaicherry,
Nagapattinam.

..Appellant(s)

Vs

1. The Deputy Superintendent of Police
Nagapattinam Sub Division,
Nagapattinam.
2. The Inspector Of Police
Nagoor Police Station,
Nagapattinam,
Crime No.68 of 2026.
3. Manikandan
S/o Annasami,
Andavar Nagar,
Nagore,Opp to Nagai Collecotr Office,
Nagapattinam.

..Respondent(s)



Prayer: Criminal Appeal filed under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act r/2 415(2) of BNSS, to set aside the order passed in bail petition in Crl.MP.No.438 of 2026 dated 03.06.2026 on the file of Special Court for Trial of cases SC/ST (PoA) act, Nagapattinam and enlarge the appellant on bail pending investigation Naggore P.S.Cr.68 of 2026 on the file of the 2nd respondent police.

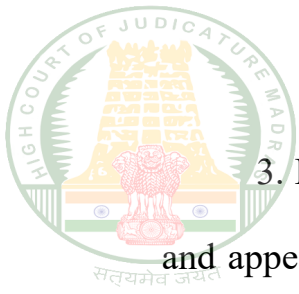
For Appellant(s): Mr. Shreedhar M

For Respondent(s): Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)
for R1 and R2
Mr. S.Baranidharan
for R3

JUDGMENT

The Appellant/Petitioner/A1 is before this Court against the Order dated 03.06.2026 passed by the trial Court in Crl.MP.No.438 of 2026.

2. The Appellant/Petitioner/A1 has been accused for the offences under Section 296B, 118(1) of BNS r/w 3(1)(r) and 3(1)(s) of SC/ST (POA) Act. Earlier, the Petitioner has moved this Court in Crl.OP.No.13165 of 2026 to direct the trial Court to consider the Petitioner's Bail Petition in connection with Cr.No.68 of 2026, which has been registered against the Petitioner and his Wife, pursuant to the complaint given by the third Respondent/Defacto Complainant.



3. By an Order dated 21.05.2026, the Petitioner was directed to surrender and appear before the concerned Court. The Petitioner then surrendered before the trial Court and file a Petition for Bail under Section 528 of BNSS, 2023 which has now been rejected.

4. After this case was listed for hearing, notice was ordered on the third Respondent/Defacto Complainant, who has now entered appearance through his counsel and has filed a counter.

5. The argument put forward by the third respondent is that the Petitioner/Appellant and his wife used caste slurs in a derogatory manner and had thus committed offence under the provisions of Section 3(1)(r) & 3(1)(s) of SC/ST (POA) Act, 1989 and also under Sections 296(b), 118(1) of BNS.

6. It is submitted that the Petitioner had injured the third Respondent using the car key. In support of the same, the learned counsel for the third Respondent has filed a copy of Discharge Summary dated 18.03.2026 issued by the Government Medical College Hospital, Nagapattinam indicating certain injuries.



7. Having considered the submissions made by the learned counsel for the Petitioner as well as the learned Government Advocate (Crl.Side), I am of the view that continued incarceration of the Petitioner in Prison is not warranted for the alleged offence said to have been committed by the Petitioner. If at all the Petitioner can be punished after he is found guilty of the offences for which, he has been charged.

8. Since the investigation is still going on, I am inclined to set aside the order passed in bail petition in Crl.MP.No.438 of 2026 dated 03.06.2026 on the file of Special Court for Trial of cases SC/ST (POA) Act, Nagapattinam and enlarge the Appellant/A1 on bail pending investigation in P.S.Cr.68 of 2026 on the file of the 2nd respondent police with certain conditions:

9. Accordingly, the petitioner 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 **Principal Sessions Judge, Nagapattinam**, and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The Jurisdictional Court shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the Petitioner shall appear before the 2nd Respondent Police Station on 1st of every month at 10.30 a.m., and thereafter as and when required for recording statement and for investigation:

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

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

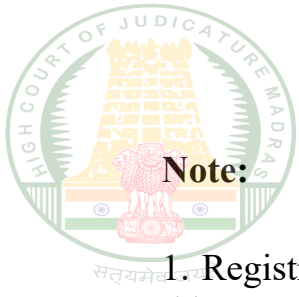
[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];**

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

22-06-2026

Neutral Citation: Yes/No

VV



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.
3. Issue Order Copy on 23.06.2026

To

1. The Principal Sessions Judge, Nagapattinam
2. The Sessions Judge, Special Court for Trial of Cases Under SC/ST (POA) Act, Nagapattinam
3. The Deputy Superintendent of Police
Nagapattinam Sub Division, Nagapattinam.
4. The Inspector Of Police
Nagoor Police Station, Nagapattinam,
5. The Public Prosecutor, High Court of Madras.



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C.SARAVANAN, J.

VV

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