2026:MHC:4481

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1127 of 2026

Case QR

CNR: {HCMA012127152026}

Krishnakumar,
S/o.Kannan,
No.58B/86, Thiruparankundram main road,
Kumaragam,
Madurai – 625 003.

...Appellant/Petitioner/
A1

Vs

1. The State Represented by
   The Deputy Superintendent of Police,
   Sankari Police Station,
   Sankari Sub Division,
   Salem District.

2. The Inspector of Police,
   Sankari Police Station,
   Salem District - 637301.
   Crime No.327 of 2026.

3. Sulochana
   W/o. Krishnakumar,
   Door No.14/5/1D,
   Vasantham Colony Street,
   Near Vidya Sakar School,
   Nagichettipatti,
   Kundachikkadu,
   Morur,

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Sankari Taluk,
Salem District - 637302.

...Respondents

Prayer : Criminal Appeal filed under Section 14A of SC/ST (POA) Act, 1989, praying to call for the records of order passed in Crl.M.P.No.323 of 2026 on the file of the Hon'ble Special Court for Trial of Cases under SC and ST (POA) Act, Salem and set aside the same and pleased to grant bail to the Appellant/A1 in Crime No.327 of 2026 on the file of the 2nd Respondent Police, Salem District.

For Appellant: Mr.A.J.Mohamed Kassim

For Respondents : Ms.Sharada Vivek
Additional Public Prosecutor
for R1 and R2
Mr.P.Gowtham,
Legal Aid Counsel
for R3

JUDGMENT

The Criminal Appeal challenges the order passed by the learned Sessions Judge (FAC), Special Court for Trial of Cases under SC and ST (POA) Act, Salem, in Crl.M.P.No.323 of 2026 dated 21.08.2026, dismissing the appellant's bail application filed in Crime No.327 of 2026 registered for the offences under Sections 498A of IPC, 3(1)(r), 3(2)(va) of SC and ST (PoA) Act, 1989.

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2. It is the case of the prosecution that the appellant/A1 and the *de-facto* complainant was married on 14.06.2019, pursuant to a romantic relationship; that a male child was born on 13.04.2022; that thereafter, the appellant had an illegal relationship with some other lady; that thereafter a complaint was lodged by the *de-facto* complainant and an enquiry was conducted; that during the enquiry, the appellant and his parents had humiliated the *de-facto* complainant on account of her caste and had been continuously harassing her and thus committed the aforesaid offences.

3. The Trial Court had dismissed the bail application on the ground that the investigation is pending.

4(a). The learned counsel for the appellant/A1 submitted that the allegations are an afterthought; that the allegations, at best, discloses a matrimonial discord; that the parents of the appellant have also been falsely implicated; and that in any case, since the final report has been filed, the custody of the petitioner is not required and prayed for bail.

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(b) The learned counsel further submitted that by the order dated 16.09.2026, this Court had granted interim bail and directed the appellant and the *de-facto* complainant to appear before the Mediation Centre attached to the District Court, Salem; that the mediation failed; and that the appellant was in custody for 40 days.

5. Though the notice has been served on the *de-facto* complainant/third respondent, none entered appearance. Therefore, this Court appointed Mr.P.Gowtham, as Legal Aid Counsel, to represent the third respondent.

6. Mr.P.Gowtham, however, would submit that the *de-facto* complainant was subjected to harassment in various ways; and would fairly concede that the appellant was in custody for 40 days and the final report has been filed.

7. The learned Additional Public Prosecutor for the respondents 1 and 2 submitted that though the appellant had submitted before this Court that he was willing to live with the third respondent, he stated

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before the mediator that he was not willing to live with the third respondent; and that the final report has been filed.

8. The allegations in the FIR disclose a matrimonial discord between the appellant and the de-facto complainant. Admittedly, they got married pursuant to a romantic relationship. The alleged occurrence is said to have taken place in the years 2024 and 2025, and a complaint was lodged in the year 2026. The final report has also been filed. Therefore, this Court is of the view that the custody of the appellant/A1 is not required for the purpose of the investigation and trial. Hence, this Court is inclined to release the appellant on bail on the following conditions:

> (i) The appellant shall execute 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 Sessions Judge (FAC), Special Court for Trial of Cases under SC and ST (POA) Act, Salem;
>
> (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

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mobile numbers to ensure their identity;

(iii) the appellant shall appear before the trial Court on the first working day of every month and 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 are to be taken.

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

(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 appellants 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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9. In view of the above, the impugned order, dated 21.08.2026 in Crl.M.P.No.323 of 2026 passed by the learned Sessions Judge (FAC), Special Court for Trial of Cases under SC and ST (POA) Act, is set aside and the Criminal Appeal is allowed.

10. The High Court Legal Services Committee shall pay the scheduled fees to Mr.P.Gowtham, the learned Legal Aid Counsel for the third respondent.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order copy today.

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Copy to:

1. The Sessions Judge (FAC),
   Special Court for Trial of Cases under SC and ST (POA) Act.
   Salem.

2. The Superintendent of Police,
   Sankari Police Station,
   Sankar Sub Division,
   Salem District.

3. The Inspector of Police
   Sankari Police Station,
   Salem District.

4. The Central Jail,
   Salem, Salem District.

5. The Public Prosecutor,
   High Court of Madras.

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SUNDER MOHAN, J.

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