



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL A No. 1641 of 2025

Periyasamy

..Appellant(s)

Vs

1. The State represented by, The Deputy Superintendent of Police, Bhavani Sub-Division, Chithode Police Station, Erode.
2. The Inspector of Police, Chithode Police station, Erode District. Cr.No.137/2025.
3. S.Saranya

..Respondent(s)

Prayer: This Criminal Appeal is filed under Section 14(A)(1) of SC/ST Act r/w 415(2) of BNSS, to set aside the impugned order dated 17.09.2025 passed in CrI.MP.No.2362 of 2025 on the file of the Principal District and Sessions Judge, Erode and enlarge the Appellant/Accused on bail in Cr.No.137/2025.

For Appellant(s):

Mr.D.Mario Johnson

For Respondent(s):

Ms.J.R.Archana, Government Advocate (Crl. Side) for R1 and R2;
Mr.D.Velmurugan for R.Suryaprakash for R3.



JUDGMENT

The present Criminal Appeal has been preferred challenging the order dated 17.09.2025 passed by the Learned Principal District and Sessions Judge, Erode, in Crl.M.P. No. 2362 of 2025, whereby the application for bail filed by the appellant was dismissed.

2. The case of the prosecution is that on 19.03.2025, while the deceased, Chanakya @ John, along with his wife Saranya, was travelling by car from Salem towards Tiruppur, the accused intercepted and dashed their vehicle against the car of the deceased near Nasiyanur. The accused persons, having conspired together with the intent to commit murder, brutally assaulted the deceased with deadly weapons (knives/machetes) in the presence of his wife. The deceased died on the spot due to the multiple fatal injuries sustained during the attack.

3. Based on the complaint lodged by Saranya, the wife of the deceased, a case in Crime No. 137 of 2025 was registered at the Chithode Police Station, Erode District. The case was initially registered against Jeevagan (A-1) and 9 others, namely (1) Saravanan, (2) Sathish @ Surya, (3) Karthi, (4) Monnaiyan, (5) Boopalan, (6) Alagarasan @ Alaguraj, (7) Kunda Boopalan, (8) Vicky @ Kunda Balu, and (9) Sivakumar @ Gundu Siva, under Sections 191(2), 191(3), 109(1) & 103 of The Bharatiya Nyaya Sanhita (BNS), 2023.



4. During the course of the investigation, it was established that the deceased belonged to a Scheduled Caste (SC) community. Consequently, the case was altered to include relevant provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The respondents have since completed the investigation and filed a final report against 14 persons, including the appellant, under Sections 109(1), 49, 61(2), 3(5), 103(1), 238(a), 336(3) & 324(5) of The Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 3(2)(v) & 3(2)(va) of The Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Amendment Act, 2015.

5. The specific allegation against the appellant is that he monitored the movements of the deceased and provided real-time information to A-1. The appellant previously filed a bail application before the Learned Principal District and Sessions Judge, Erode, in Crl.M.P.No. 2362 of 2025. The Learned Judge dismissed the said application by order dated 17.09.2025. Aggrieved by the dismissal, the appellant has preferred the present appeal challenging the said order.

6. Mr. D. Mario Johnson, learned counsel appearing for the appellant, would submit that the appellant has been arrayed as A-14 in this case. He would contend that the appellant was not present at the scene of the crime and has been



falsely implicated solely based on the confession of A-1. Even as per the alleged confession, the only role attributed to the appellant is that he informed A-1 about the movements of the deceased.

7.The learned counsel would further submit that the appellant is a law graduate and a friend of A-1. While there was admitted previous enmity between A-1 and the deceased, the respondent police, acting on a mere apprehension, have implicated the appellant without any corroborative evidence. He would reiterate that there is no overt act attributed to the appellant other than the alleged communication, and he remains implicated only on the basis of confession of a co-accused, which is inadmissible in the absence of independent recovery or evidence.

8.He would further submit that a similarly placed accused, Alagarasan @ Alaguraj (A-7), filed a bail appeal in Crl.A. No. 511 of 2025. This Court, by an order dated 06.06.2025, dismissed the said appeal. Aggrieved by that dismissal, the said accused preferred a Special Leave to Appeal (Criminal) before the Hon'ble Supreme Court. By an order dated 26.02.2026, the Hon'ble Supreme Court allowed the appeal, set aside the High Court's order, and granted bail to the said accused.



9. The learned counsel would further submit that the appellant is similarly placed to the co-accused who was granted bail by the Hon'ble Supreme Court and has been in judicial custody since 24.03.2025. It is also submitted that the appellant himself belongs to the Scheduled Caste (SC) community, further highlighting the lack of motive to commit an offence under the SC/ST Act.

10. Contradicting this, the learned Government Advocate (Criminal Side) would submit that the appellant is a close associate of A-1. He specifically alleged that the appellant monitored the movements of the deceased and his wife, providing critical intelligence to A-1. Acting on this information, A-1 along with nine other accused persons, intercepted the vehicle of the deceased, dashed against it, and committed a brutal murder in broad daylight.

11. The prosecution further contended that after committing the murder, the accused persons engaged in acts of rioting to terrorize the witnesses. The respondent emphasized that the appellant's involvement in the conspiracy is evidenced by the confession statement of A-1, which details how the appellant tracked the deceased. Consequently, the prosecution vehemently opposed the grant of bail, citing the heinous nature of the crime and the potential threat to the de facto complainant.



12.Mr. D. Velamurugan, learned counsel appearing for the de facto complainant (3rd Respondent), would submit that the de facto complainant is a practicing advocate. He would further submit that there was longstanding previous enmity between her husband and A-1. It is contended that this is a case of retaliatory murder, and if the appellant is granted bail, it would pose a significant threat to the life and safety of the de facto complainant and the witnesses. Accordingly, he vehemently objects to the grant of bail.

13.Considering the rival submissions, it is noted that the appellant has been arrayed as A-14 primarily based on the confession of A-1. According to the prosecution, A-1 confessed that the appellant informed him about the movements of the deceased. However, it is an admitted fact that the appellant was not present at the scene of crime. Furthermore, a similarly placed accused, Alagarasan @ Alaguraj (A7), was granted bail by the Hon'ble Supreme Court in Special Leave to Appeal (Criminal) No. 19201 of 2025 by an order dated 26.02.2026.

14.In view of the above and on the principle of parity, this Court is inclined to allow the appeal. Accordingly, the appellant is granted bail, and the impugned order dated 17.09.2025 passed in Crl.M.P. No. 2362 of 2025 on the file of the Principal District and Sessions Judge, Erode, dismissing the bail application of the appellant, is hereby set aside.



15. Accordingly, the substantive sentence of imprisonment alone is suspended and 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Erode, and on further conditions that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

(ii) the appellant shall appear before the trial Court on all working days at 10:30 a.m. until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

11-03-2026

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

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A.D.JAGADISH CHANDIRA, J.

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To

1. The Deputy Superintendent of Police,
Bhavani Sub-Division,
Chithode Police Station,
Erode.
2. The Inspector of Police,
Chithode Police station,
Erode District.
Cr.No.137/2025.
3. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.
4. Principal District and Sessions Judge,
Erode.
5. District Jail,
Tiruppur

CRL A No. 1641 of 2025

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