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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1292 of 2026
CNR: {HCMA012445662026}

Ilango @ Elango

..Appellant(s)

Vs

1. The State Rep. By,
   The Deputy Superintendent of Police
   Panruti Sub Division, Cuddalore District.

2. The Inspector of Police
   Puthupettai Police Station,
   Cuddalore District. Crime No.284 of 2026.

3. Sabarivasan

..Respondent(s)

Prayer: Appeal filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 29.09.2026 passed in Crl.MP.No.175 of 2026 on the file of the Sessions Judge, Special Court for Trial of Cases under the SC/ST(POA) Act, Cuddalore District and enlarge the Appellant/Accused on bail in Cr.No.284 of 2026 pending on the file of the Respondent Police.

For Appellant(s): Mr.S.Sivakumar

For Respondent(s): Ms.Sharada Vivek
Additional Public Prosecutor
assisted by Mr.M.Arun Raj
for R1 and R2

Mr.P.Gowtham
Legal Aid Counsel for R3

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JUDGMENT

The appeal challenges the order passed by the learned Sessions Judge, Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989[1], Cuddalore District, dismissing the petitioner's application, who was arrested on 02.09.2026 in Crime No.284 of 2026, registered for the offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act and Sections 191(2), 296(b), 115(2) and 118(1) of the BNS and Section 4 of the TNPHW Act.

2. The case of the prosecution is that the appellant had prior enimity with the victim due to an incident that took place in a bus while they were travelling together; that thereafter, the appellant on 01.09.2026, along with his henchmen, went to the house of the victim and attacked the victim and his mother, caused minor injuries, abused them in filthy language and also humiliated them on account of their caste. The appellant sought bail before the Trial Court, which came to be dismissed by the impugned order.

3. *Mr.S.Sivakumar*, learned counsel for the appellant would submit that the appellant is under custody from 02.09.2026; that the investigation has been substantially completed; that further incarceration of the appellant is not required for the purpose of investigation and that a

[1] *In short, hereinafter referred as "SC/ST Act"*

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false case has been foisted on the appellant since he had lodged a complaint against the *defacto* complainant and other victims.

4. Though notice has been served to the third respondent, none had entered appearance. Therefore, this Court has appointed *Mr.P.Gowtham*, learned counsel, to appear as Legal Aid Counsel for the third respondent.

5. *Mr.P.Gowtham*, learned Legal Aid Counsel for the third respondent would submit that the victim was not only humiliated in the bus while he was travelling with the appellant, but the appellant had gone to the house of the victim later, and attacked the victim and humiliated him and that his mother on account of their caste and considering the seriousness of the allegations, the appeal may be dismissed.

6. *Ms.Sharada Vivek*, learned Additional Public Prosecutor also vehemently opposed the grant of bail and stated that the investigation is still pending and the appellant himself has lodged a complaint against the victim and his wife in Crime No.283 of 2026.

7. It is seen from the submissions made by the learned Additional Public Prosecutor that there is a complaint lodged by the appellant, which is pending in Crime No.283 of 2026 against the victim and his wife. The appellant is in custody from 02.09.2026. It is to be ascertained during the investigation as to who is the aggressor in the occurrence.

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8. In any case, the appellant is in custody for the past 56 days and further incarceration is not required for the purpose of investigation. Hence, this Court is inclined to set aside the impugned order and hence, the appeal is allowed. The appellant is ordered to be released on bail on the following conditions:

(a) The petitioner shall execute 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 under the SC/ST (POA) Act, Cuddalore District;

(b) The petitioner 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 mobile numbers to ensure their identity; and

(c) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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.

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

28-10-2026

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

(*drm*)

Note: Issue order copy on 28.10.2026.

To:

1. The Deputy Superintendent of Police
   Panruti Sub Division, Cuddalore District.

2. The Inspector of Police
   Puthupettai Police Station,
   Cuddalore District. Crime No.284 of 2026.

3. The Superintendent of Prison,
   Central Prison, Cuddalore.

4. The Public Prosecutor,
   Madras High Court, Chennai.

5. The Secretary
   High Court Legal Services Committee,
   Madras High Court, Chennai.

6. The Sessions Judge,
   Special Court for Trial of Cases under the SC/ST (POA) Act,
   Cuddalore District.

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SUNDER MOHAN, J.

(*drm*)

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