2026:MHC:4542

Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A Nos.1400, 1401, 1370 and 1330 of 2026

Case QR

CNR:{HCMA012629972026}

Crl.A.No.1400 of 2026

Surendhiran
S/o Suresh,
No.59, East Street,
Ayanthur Village, Thirukovilur Taluk,
Villupuram District.

...Appellant/Petitioner/
Accused (s)

Vs

1. The State, Rep by
   The Superintendent of Police,
   Office of the Superintendent of Police,
   Villupuram District.

2. The Deputy Superintendent of Police
   Office of the Deputy Superintendent of Police,
   Villupuram District.

3. The Inspector of Police
   Kanai Police Station,
   Villupuram District.
   Crime No.189 of 2026

4. Azhagappan
   S/o Yoganathan,
   Balvadi Street, Kodungal Post,
   Veera Cholapuram Colony,
   Kandatchi Puram, (Taluk),
   Villupuram District.

...Respondent(s)

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CRL A No. 1401 of 2026

Case QR

CNR:{HCMA012630092026}

1. Kirubhakaran @ Chandru
   S/o Kasinathan,

2. Bharath Kumar
   S/o Kasinathan,

   Both are residing at,
   No.3/21, Manthakarai Street,
   Ayanthur Village, Kandachipuram Taluk,
   Villupuram District.

...Appellants/
Petitioners/A2 and A3

Vs

1. The State,
   Rep by the Superintendent of Police,
   Office of the Superintendent of Police,
   Villupuram District.

2. The Deputy Superintendent of Police,
   Office of the Deputy Superintendent of Police,
   Villupuram District.

3. The Inspector of Police,
   Kanai Police Station,
   Villupuram District.
   Crime No.189 of 2026

4. Azhagappan
   S/o Yoganathan,
   Balvadi Street, Kodungal Post,
   Veera Cholapuram Colony,
   Kandatchi Puram, (Taluk),
   Villupuram District.

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...Respondent(s)

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CRL A No. 1370 of 2026

Case QR

Natraj
S/o Sankar,
Ayandur Village,
Kandachipuram Taluk,
Villupuram District.

...Appellant/Petitioner

Vs

1. The Deputy Superintendent of Police
   Villupuram.

2. The Station House Officer
   Kanai Station,
   Villupuram.
   Crime No.189 of 2026.

3.Azhagappan
S/o Yoganthan,
Balvadi Street,
Kodungal Post,
Veerasozhapuram,
Kandacheepuram Taluk,
Villupuram.

...Respondents

CRL A No. 1330 of 2026

Case QR

CNR:{HCMA012565652026}

Gnanavel
S/o Subbaiyah,
No.17, Kulakkarai Street,
Ayandur,
Tirukovilur Taluk,
Villupuram.

..Appellant/Petitioner/
Accused

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Vs

1.The Deputy Superintendent of Police
Office of District Superintendent of Police,
Villupuram, Villupuram District.

5. 2.The State Represented By its,
Inspector of Police
Kanai Police Station,
Villupuram District.
Cr.No.189/2026

3.Azhagappan
S/o Yoganathan,
Balvadi Street,
Veerasozhapuram,
Kodungal Post,
Kancheepuram Taluk,
Villupuram - 605755.

...Respondents

Prayer in CRL A No.1400 of 2026 : Criminal Appeal filed under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989, to call for the records and set aside the order passed by Sessions Judge, Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupurm (FAC) in Crl.M.P.No.182 of 2026 dated 13.10.2026 dismissing the bail petition, and release the appellant on bail in Crime No.189 of 2026 on pending the file of Kanai Police Station, Villupuram District

Prayer in CRL A No.1401 of 2026: Criminal Appeal filed under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989, to call for the records and set aside the order passed by Sessions Judge, Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupuram

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(FAC) in Crl.M.P.No.181 of 2026 dated 13.10.2026 dismissing the bail petition, and release the appellants on bail in Crime No.189 of 2026 on pending the file of Kanai Police Station, Villupuram District.

Prayer in CRL A No.1370 of 2026: Criminal Appeal filed under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989, to set aside the order dated 27.10.2026 passed in Crl.MP.No.189 of 2026 on the file of the Learned Sessions Judge, Special Court for Exclusive trial of cases registered under SC/ST (PoA) act, 1989 Villupuram and to enlarge the appellant on bail in connection with Crime No.189 of 2026 on the file of the respondent police.

Prayer in CRL A No. 1330 of 2026: Criminal Appeal filed under Section 415(2) of BNSS r/w Section 14-A of the SC/ST (Prevention of Atrocities) Act, 1989, to set aside the order dated 13-10-2026 in Crl MP No. 179 of 2026 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases Registered Under Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram and consequently, enlarge the appellant on bail in Crime No. 189 of 2026 pending investigation on the file of 1st respondent police.

For Appellant(s):	Mr.C.Ganesh Pandian in Crl.A.Nos.1400 and 1401 of 2026 Ms.R.Raji in Crl.A.Nos.1370 of 2026 Mr.G.Saravanabhavan in Crl.A.No.1330 of 2026
For Respondent(s):	Ms.Sharada Vivek Additional Public Prosecutor For R1 to R3 in Crl.A.Nos.1400 and 1401 of 2026

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for R1 and R2
in Crl.A.Nos.1370 and 1330 of 2026

Mr.M.Mohamed Saifulla
Legal Aid Counsel for R4
in Crl.A.Nos.1400 and 1401 of 2026
and
for R3 in
Crl.A.Nos.1370 and 1330 of 2026

COMMON JUDGMENT

The captioned Criminal Appeals have been preferred by the accused in Crime No.189 of 2026 registered for the offences under Sections 109, 115(2), 118(1), 126(2), 191(2), 191(3), 296(b), 324(4), 351(3) of BNS r/w. 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of the SC/ST (POA) Act.

2. It is the case of the prosecution that the appellants along with a few other accused on 16.09.2026 had waylaid the *de-facto* complainant and his brother, abused them in filthy language, humiliated them on account of their caste, attacked them with hands, kicked them with legs and caused injury to the *de-facto* complainant, and his brother and thus committed the aforesaid offences.

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3. The appellant in Crl.A.No.1400 of 2026 was arrested on 28.09.2026. The appellants in Crl.A.No.1401 of 2026 were arrested on 16.09.2026. The appellant in Crl.A.No.1370 of 2026 was arrested on 28.09.2026. The appellant in Crl.A.No.1330 of 2026 was arrested on 28.09.2026.

4. The Trial Court had dismissed all their bail applications, against which they have preferred the above appeals.

5. The learned counsels for the appellants would submit that the injured have been discharged from the hospital; and that the appellants are in custody for almost two months; that their further incarceration is not required for the purpose investigation; and that they have permanent roots in the society and prayed for grant of bail.

6. The learned Additional Public Prosecutor, *per contra*, submitted that the communal tension still prevails in the area because of the incident and therefore, opposed the grant of bail to the appellants at this stage.

7. Since the *de-facto* complainant on receipt of notice in Crl.A.Nos.1370 and 1330 of 2026, had requested appointment of Legal Aid Counsel, this Court appointed Mr.M.Mohamed Saifulla.

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8. The learned counsel for the *de-facto* complainant in all the above appeals would reiterate the submissions of the learned Additional Public Prosecutor, and would confirm that the victims have been discharged from the hospital.

9. Though the investigation is said to be pending, considering the nature of the allegation and the period of incarceration, this Court is of the view that the further custody of the appellants is not required for the purpose of investigation. However, in view of apprehension expressed by the learned Additional Public Prosecutor and the *de-facto* complainant, it is desirable that the appellants stay elsewhere until further orders.

10. Accordingly, the appellants are directed to be released on bail on the following conditions:

> (i) the appellants shall each execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupurm (FAC);
>
> (ii) the appellants shall stay at Chennai and report before the Inspector of Police, C1, Flower Bazaar Police Station Chennai, every day at 10.30 a.m., until further orders.

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(iii) the appellants 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;

(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 appellants shall not commit any offence of similar nature;

(vi)the appellants shall not abscond either during investigation or trial;

(vii)the appellants shall not tamper with evidence or witnesses 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 appellants 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]*;

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

11. In view of the above, the impugned orders, dated 13.10.2026 and 27.10.2026 in Crl.M.P.Nos.181, 182 , 179 and 189 of 2026 in Crime No.189 of 2026 passed by the learned Principal Sessions Judge, Court of Sessions Judge, Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act, Villupuram (FAC), is set aside and the Criminal Appeals are allowed.

12.The High Court Legal Services Committee shall pay the scheduled fees to Mr.M.Mohamed Saifulla, the learned Legal Aid Counsel for the *de-facto* complainant.

12-11-2026

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

Note: Issue order copy today.

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To

1. The Sessions Judge,
   Special Court for Exclusive Trial of Cases Registered under SC/ST (POA) Act,
   Villupurm (FAC).

2. The Superintendent of Police
   Office of the Superintendent of Police,
   Villupuram District.

3. The Deputy Superintendent of Police
   Office of the Deputy Superintendent of Police,
   Villupuram District.

4. The Inspector of Police
   Kanai Police Station,
   Villupuram District.

5. The Station House Officer,
   Kanai Station,
   Villupuram District.

6. The District Jail,
   Villupuram.

7. The District Jail,
   Vedampattu.

8. The District Prison,
   Vedampattu.

9. The Public Prosecutor,
   High Court of Madras.

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SUNDER MOHAN J.

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CRL A Nos. 1400, 1401 1370 and 1330 2026

12-11-2026

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