2026:MHC:4729

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No.1427 of 2026

CNR: {HCMA012666112026}

Case QR

Ramesh
S/o. Ravi,
Sengarandi Street,
Elakurichi,
Ariyalur District.

...Appellant/Accused

Vs

1. The Deputy Superintendent of Police,
   Ariyalur.
   Ariyalur District.

2. The Inspector of Police
   Keelapalur Police Station,
   Ariyalur.
   Crime No.43 of 2025

3. Bhuvaneshwari
   W/o. Thangaraj,
   No.440, East Street,
   Kallakudi,
   Karuppila Kattalai Post,
   Ariyalur District.

...Respondents

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Prayer : Criminal Appeal is filed under Section 14(A) of the SC and ST Act, to set aside the order dated 30.10.2026 made in Crl.MP.No.2107 of 2026 passed by the Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur and to allow the above the Criminal Appeal by enlarging the appellant on bail.

For Appellant: Mr.M.Sivakumar

For Respondent: Mr.R.Thirumoorthy
Additional Public Prosecutor

Assisted by
Mr.M.Arul Raj
for R1 and R2

Mr.M.Mohamed Saifulla
Legal Aid Counsel
for R3

JUDGMENT

The Criminal Appeal challenges the order passed by the learned Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur, in Crl.M.P.No.2107 of 2026 dated 30.10.2026, dismissing the appellant's bail application filed under Section 483 of BNSS.

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2. It is the case of respondent police that the appellant had inappropriately touched the victim girl in a public place and was initially arrested in Crime No.43 of 2025 for the offences under Section 75(l)(i) BNS r/w 4 of the Tamil Nadu Prohibition of Harassment of Women Act, and Section 3(2)(va) of the SC/ST (POA) Amendment Act, 2015, and later released on bail.

3. Pending trial, the appellant did not appear before the Court, and hence a non-bailable warrant was issued. Subsequently, he was secured on 11.10.2026 and has been in custody since then.

4. The appellant sought bail before the Trial Court which came to be dismissed by the impugned order.

5. The learned counsel for the appellant would submit that his absence was neither wilful nor wanton; and that, in any case, he is now in custody for more than a month and prayed for bail on any stringent conditions.

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6. Though notice has been served on the *de-facto* complainant/third respondent, none has entered appearance. Hence, this Court appointed Mr.M.Mohamed Saifulla, as Legal Aid Counsel to represent the third respondent.

7. Mr.M.Mohammed Saifulla, the learned Legal Aid Counsel, for the third respondent would submit that the appellant ought not to have absconded, and because of his non-appearance, the trial was delayed.

8. Mr.R.Thirumoorthy, the learned Additional Public Prosecutor for the respondents 1 and 2, reiterates the submission made by the learned Legal Aid Counsel for the third respondent.

9. Admittedly, the appellant was absent only on 21.09.2026, and he was secured on 11.10.2026. He has been in custody for nearly a month, and the appellant was earlier released on bail. 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

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sum to the satisfaction of the learned Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur;

(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 mobile numbers to ensure their identity;

(iii) the appellant shall appear before the Trial Court on every Monday at 10.30 a.m., 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 to be taken.

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

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

(vii)the appellant 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 appellant in accordance with law as if the

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conditions have been imposed and the appellant 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.

10. In view of the above, the impugned order, dated 30.10.2026 in Crl.M.P.No.2107 of 2026 in Crime No.43 of 2025 passed by the learned Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur, is set aside and the Criminal Appeal is allowed.

11. The High Court Legal Services Committee shall pay the scheduled fees to Mr.M.Mohamed Saifulla, the learned Legal Aid Counsel for the third respondent.

24-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order copy today.
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To

1. The Principal Sessions Judge,
   Ariyalur Sessions Division,
   Ariyalur.

2. The Deputy Superintendent of Police
   Ariyalur.

3. The Inspector of Police
   Keelapalur Police Station,
   Ariyalur.

4. The Superintendent,
   Central Jail,
   Trichy.

5. The Public Prosecutor,
   High Court of Madras,
   Chennai – 600 104.

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SUNDER MOHAN, J.

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