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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1437 of 2026

CNR: {HCMA012747682026}

Case QR

Munusamy
S/o Babu,
Door No.121, Main Road,
Choolaimedu,
Uthukottai Taluk,
Tiruvallur District.

...Appellant/Accused

Vs

1. The State Rep by
   The Deputy Superintendent of Police,
   Uthukottai Sub-Division,
   Tiruvallur District,
   Tamilnadu.

2. The Inspector of Police,
   All Women Police Station - Uthukottai,
   Tiruvallur District.
   Crime No.36 of 2026.

3. Kannammal
   W/o.Munusamy,
   Kalaignar Street,
   Uthukottai,
   Uthukottai Taluk,
   Tiruvallur District.

...Respondents

Prayer : Criminal Appeal is filed under Section 14-A of the SC/ST (Prevention of Atrocities) Act, 1989, to set aside the order dated

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10.11.2026 made in Crl.M.P.No.4529 of 2026 on the file of the Principal District and Sessions Judge, Tiruvallur and to enlarge the Appellant on bail in Crime no.36 of 2026 on the file of the All Women Police Station, Uthukottai, Tiruvallur District.

For Appellant(s): Mr.Krishnasamy Chinnasamy

For Respondent(s): Mr.R.Thirumoorthy
Additional Public Prosecutor

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

Ms.S.Sridevi
Legal Aid Counsel
for R3

JUDGMENT

The Criminal Appeal challenges the order passed by the learned Principal District and Sessions Judge, Tiruvallur in Crl.M.P.No.4529 of 2026 dated 10.11.2026, dismissing the appellant's bail application filed in Cr.No.36 of 2026, registered for the offences under Sections 108, 115(2), 296(b), 351(2), 85 of BNS r/w 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act.

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2. The appellant was arrested on 02.10.2026 and sought bail before the Trial Court, which came to be dismissed by the impugned order.

3. The learned counsel for the appellant would submit that the investigation has been substantially completed; that the allegations do not warrant further incarceration; and that the appellant may be released on bail.

4. The *de-facto* complainant/third respondent received notice and requested through the police that a Legal Aid Counsel may be appointed to represent her. Hence, this Court appointed Ms.S.Sridevi, learned Legal Aid Counsel, to represent the third respondent.

5. Ms.S.Sridevi, the learned Legal Aid Counsel appearing for the third respondent, submitted that the allegations are grave; that the appellant had been continuously harassing the victim on account of her caste ever since the date of marriage, though their marriage was pursuant to a romantic relationship, she was driven out of the matrimonial home and therefore, prayed for dismissal of the appeal.

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6. The learned Additional Public Prosecutor for the respondents 1 and 2 would submit that the investigation is at the fag end, and the final report will be filed soon.

7. It is alleged that the appellant got married to the victim pursuant to a romantic relationship for a period of 7 years; and that the appellant caused harassment to the victim on account of her caste, and physically and mentally committed cruelty. The appellant is in custody from 02.10.2026.

8. Admittedly, the investigation has almost been completed and the final report is likely to be filed in the near future. Considering the said fact and the period of incarceration, this Court is of the view that further custody of the appellant is not required for the purpose of investigation. Therefore, 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

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thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Tiruvallur;

(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 respondent police on every Monday @ 10.30 a.m., until further orders;

(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 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 conditions have been imposed and the appellants released on bail by the

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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 appellant/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. In view of the above, the impugned order, dated 10.11.2026 in Crl.M.P.No.4529 of 2026, passed by the learned Principal District and Sessions Judge, Tiruvallur, is set aside, and the Criminal Appeal is allowed.

10. The High Court Legal Services Committee shall pay the scheduled fees to Ms.S.Sridevi, 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 District and Sessions Judge,
   Tiruvallur.

2. The Deputy Superintendent of Police,
   Uthukottai Sub Division,
   Tiruvallur District,
   Tamilnadu.

3. The Inspector of Police
   All Women Police Station - Uthukottai,
   Tiruvallur District.

4. The Superintendent,
   Central Prison – II,
   Puzhal, Chennai.

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

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SUNDER MOHAN, J.

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