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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No.1937 of 2025

and

CRL A No. 21 of 2026

1. Suryamoorthy

S/o Sankar,

1/174, Mariyamman Kovil Street,

Kondur,

Pakkam,

Villupuram – 605 106.

2. Selvakumar.D

S/o Devanathan,

217, Kulathumethu Street,

Kondur,

Pakkam,

Villupuram – 605 106.

..Appellants

Vs

1. The Superintendent of Police

South Sub - Division,

Puducherry.



2. The State Rep. by the
Inspector of Police
Mangalam Police Station,
Puducherry,
Crime No.149 of 2025

3. Sathishkumar
S/o Anbazhagan,
No.774, Mettukalam,
Pakkam Kootroad,
Villupuram District.

..Respondents

CRL A No.21 of 2026

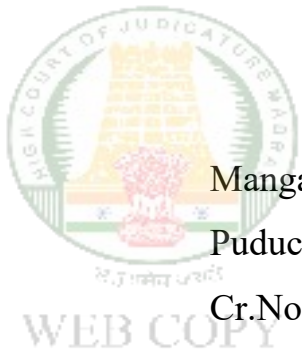
Anand Baskar
S/o.Krishnamoorthy,
No.9, Second Cross Street,
V.S.Nagar, Madukarai,
Puducherry - 605 105.

..Appellant/Accused No.10

Vs

1. The Superintendent of Police,
South Sub-Division,
Puducherry.

2. The State rep.by,
The Inspector of Police,



Mangalam Police Station,
Puducherry.
Cr.No.149 of 2025.

3. Sathishkumar
S/o. Anbazhagan,
No.771,Mettukalam,
Pakkam Kootroad,
Villupuram District.

..Respondents

CRL A No. 1937 of 2025

Prayer : Criminal Appeal filed under Section 14(A) (2) of SC/ST Act 1989 to set aside the order passed by the Honourable II Additional District and Sessions Judge, Puducherry in Crl.MP.No.2145 of 2025 dated 11.11.2025 and enlarge the appellants on bail in Crime No.149 of 2025 on the file of the 1st respondent police.

CRL A No. 21 of 2026

Prayer : Criminal Appeal filed under Section 14(A) (2) of SC/ST Act 1989, to set aside the order passed by the Hon'ble II Additional District and Sessions Judge, Puducherry in Crl.M.P.No.2430 of 2026 dated 06.01.2026 and enlarge the Appellant on bail in Cr.No.149 of 2025 on the file of the 1st respondent Police.

For Appellants:

Mr.N.Raja

in Crl.A.No.1937 of 2025



Mr.K.Kannadhasan
in Crl.A.No.21 of 2026

For Respondent(s): Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)
For R1 and R2 in both the appeals
Mr.R.Logesh Kumar - Legal Aid Counsel
For Defacto Complainant For R3
(vide Order Dated 05.01.2026)
in both the appeals.

COMMON JUDGMENT

These appeals have been filed by the accused in S.C.No.2 of 2026 pending trial for the offences under Sections 126 (2), 296(b), 109 r/w 3(5) BNS 2023, 3(1) (r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, challenging the dismissal of their bail applications.

2.Crl.A.No.1937 of 2025 has been filed by the second and third accused.
C.A.No.21 of 2026 has been filed by the tenth accused.

3. It is the prosecution's case that on account of prior enmity, the appellants, along with the other accused, had attacked the injured witnesses and



caused grievous injuries; and that the appellants had also committed the offence of criminal intimidation.

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4. The learned counsels for the appellants would submit that the appellants in C.A.No.1937 of 2025 were arrested on 25.10.2025 and the appellant in C.A.No.21 of 2026 was arrested on 29.11.2025; that the investigation has now been completed and since the final report has been filed and the case has been committed to Sessions Court in S.C.No.2 of 2026, the further incarceration of the appellants is not required and sought for bail.

5. Mr.M.V.Ramachandra Murthy, the learned Public Prosecutor, Government of Puducherry, *per contra*, submitted that the first appellant in C.A.No.1937 of 2025 is a history sheeter and there were several cases pending against him registered in Tamil Nadu; that there are frequent quarrels between the accused and the victims on the other side as they belong to different communities; and that if the appellants are released on bail, they would commit similar offences and hence, prayed for dismissal of the appeals.

6. Admittedly, the victims in this case have been discharged from the hospital. The investigation has been completed and after the filing of the final



report, the case has been taken on file in S.C.No.2 of 2026. The appellants are in custody from 25.10.2025 and 29.11.2025 respectively.

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7. In view of the aforesaid facts, this Court is of the view that the further custody of the appellants is not required. However, considering the submissions made by the learned Public Prosecutor, Government of Puducherry that there is a previous enmity between the villagers of two villages, this Court is inclined to direct the appellants to stay elsewhere until further orders. Hence, the impugned orders are set aside and the appellants are released on bail on the following conditions:

- (i) The appellants/A2, A3 & A10 shall execute a bond each for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Puducherry;
- (ii) The appellants and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;
- (iii) The first appellant in Crl.A.No.1937 of 2025 shall stay at Mahe, and report before the Palloon Police Station, every day at 10.30 a.m. until further orders;



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(iv) The second appellant in Crl.A.No.1937 of 2025 and the appellant in Crl.A.No.21 of 2026 shall stay at Karaikal and report before the Karaikal Town Police Station everyday @ 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 to be taken.

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

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

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

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



8. In view of the above, the impugned orders dated 11.11.2025 and 06.01.2026 in Crl.M.P.Nos.2145 of 2025 and 2430 of 2026 passed by the learned II Additional District and Sessions Judge, Puducherry, are set aside, and the Criminal Appeals are allowed.

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

dk

Note: Issue order copy by 30.01.2026.

To

1. The II Additional District and Sessions Judge,
Puducherry.
2. The Superintendent of Prison,
Kalapet Prison,
Puducherry.
3. The Superintendent of Police,
South Sub-Division,
Puducherry.
4. The Inspector of Police
Mangalam Police Station,
Puducherry,



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CRL A No.1937 of 2



CrI.A.No.21 of 2026

SUNDER MOHAN J.

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CRL A No. 1937 of 2025
and
CRL A No. 21 of 2026

29-01-2026