



[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1909 of 2025

Johnson Prabakaran
S/o.Ponsingh Kovil Raj

Appellant(s)

Vs

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

2.The State Rep. By
Station House Officer,
Vikravandi Police Station,
Villupuram District.
(Crime No.468 of 2025)

3.Sarala
W/o.Kumaran

Respondent(s)

PRAYER

This Criminal Appeal has been filed under Section 14 (A) of the SC and ST Act, to set aside the order dated 02.12.2025 made in Crl.M.P.No.382 of 2025 passed by the Sessions Judge, Special Court for Trial of Cases under SC/ST(PoA) Act at Villupuram and to allow the above criminal appeal by enlarging the appellants on bail.

For Appellant(s): Mr. C.Prabakaran

For Respondent(s): Mr.S.Raja Kumar,
Additional Public Prosecutor
for R1 & R2



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Ms.S.Valarmathi,
Legal Aid Counsel
for R3

ORDER

The appeal challenges the dismissal of the appellant's application filed before the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act at Villupuram.

2.The appellant is an accused in Crime No. 468 of 2025 registered for the offence under Sections 296 (B), 103(1) of BNS Act r/w 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Act, who was arrested on 19.08.2025.

3.The gist of the prosecution case is that the appellant and the deceased were neighbours; that the deceased was running a dog farm and the appellant is said to have ploughed his land using a tractor which caused disturbance to the dogs; and that in an altercation that took place, the appellant is said to have attacked the deceased using a *jalli karandi* and caused his death. The appellant was arrested on 19.08.2025 and is in custody since then. The appellant sought for bail before the trial Court, which came to be dismissed by the impugned order.

4.The learned counsel for the appellant would submit that the investigation has been completed; that the appellant's continued incarceration is



not required for the purpose of investigation. Considering the period of incarceration and nature of allegation, the appellant may be released on bail.

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5.The defacto complainant appeared in person and requested this Court to appoint a legal aid counsel to help her.

6.Accordingly, this Court appointed Ms.S.Valarmathi, advocate as the legal aid counsel.

7.Ms.S.Valarmathi, the learned legal aid counsel submitted that the appellant and the victim were neighbours; that if the appellant is released on bail, there is every chance of the appellant tampering with the witnesses; and therefore, considering the seriousness of the offences, the instant appeal may be dismissed.

8.The learned Additional Public Prosecutor reiterated the allegations in the FIR and further submitted that the investigation has been completed and that final report has been filed before the Special Court for trial of cases under SC/SC (POA) Act, Villupuram, which has been taken on file in SC.No.44 of 2025 and opposed the grant of bail.



9. Considered the rival submissions and perused the materials on record.

10. The appellant is in custody from 19.08.2025. The alleged occurrence is said to have taken place pursuant to a wordy altercation. Considering the nature of allegation, the nature of weapon used by the appellant and the period of incarceration, this Court is of the view that further custody of the appellant is not required, especially since the investigation has now been completed and final report has been filed. Hence, this Court is inclined to set aside the impugned order and 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 sum to the satisfaction of the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act at Villupuram;

(ii) The appellant shall reside at Salem and report before the Shevapet Police Station, every day at 10.30 a.m. except on the hearing dates before the trial Court, until the disposal of the appeal.

(iii) 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;



(iv)the appellant shall appear before the trial Court on all hearings;

(v)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.

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

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

(viii)the appellant shall not tamper with evidence or witness either during investigation or trial;

(ix)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 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]*;

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



11. In view of the above, the impugned order, dated 02.12.2025 in Crl.M.P.No.382 of 2025 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act at Villurpuram, is set aside and the Criminal Appeal is allowed.

08.01.2026

Tsg

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Note: Issue order copy on 09.01.2026

To

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

2.The Station House Officer,
Vikravandi Police Station,
Villupuram District.
(Crime No.468 of 2025)

3.The District Jail, Villupuram.

4.The Sessions Judge,
Special Court for trial of cases
under SC/ST (POA) Act,
Villupuram.

5.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN J.
Tsg

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