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CRL A No. 1961 of 2025



[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1961 of 2025

Vijayakumar
S/o.Krishnan

Appellant(s)

Vs

1.The Deputy Superintendent of Police,
Perundurai,
Erode.

2.The State Rep. by
The Inspector of Police,
Perundurai Police Station,
Erode.
(Crime No.312 of 2025)

3.Revathi.
W/o.Chandiran.

Respondent(s)

PRAYER

This Criminal Appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order dated 06.11.2025 passed in CrI.M.P.No.1030 of 2025 in Spl.S.C.No.94 of 2025 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode dated 06.11.2025 and to enlarge the appellant on bail pending trial in Spl.S.C.No.94 of 2025 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode.

For Appellant(s): Mr. P.Thinesh



For Respondent(s): Mr.S.Balaji,
Government Advocate (Crl. Side)
for R1 & R2
Mr.S.Arun Prasath
for R3

ORDER

The appeal challenges the dismissal of the appellant's application filed before the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Erode.

2.The appellant is an accused in Crime No. 312 of 2025 registered for the offence under Sections 87 and 137(2) of BNS Act and Section 9(m) & 10 of POCSO Act, 2012 r/w. Section 3(1)(w)(i) of SC/ST Act, who was arrested on 12.05.2025.

3.The gist of the allegation against the appellant is that he had kidnapped the victim girls, aged about 6 and 7 years, at the time of occurrence; that he had inappropriately touched the chest and private parts of the victim girls and thus committed the aforesaid offences.

4.The learned counsel for the appellant would submit that the appellant sought for bail before the trial Court and the same was dismissed on the ground that the appellant was guilty of serious offence. The learned counsel submitted that considering the period of incarceration and the fact that the final report has



been filed which was taken on file in Spl.S.C.No.94 of 2025, the appellant may be released on bail on any stringent conditions, to enable him to defend the case against him effectively.

5.The learned counsel for the defacto complainant vehemently opposed the grant of bail and would submit that if the appellant is released on bail, he is likely to tamper with the witnesses; that the witnesses have not yet been examined before the trial Court; and that even if this court is inclined to grant bail, the appellant may be directed to reside elsewhere.

6.The learned Government Advocate (Crl. Side) submitted that considering the seriousness of the offence committed by the appellant, there is no infirmity in the order passed by the learned Sessions Judge and prayed for dismissal of the appeal.

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

8. Though the allegation made against the appellant are serious in nature, admittedly, the appellant is in custody from 12.05.2025. The respondent have completed the investigation and filed the final report and the same has been taken on file in Spl.S.C.No.94 of 2025. Considering the nature of allegations, the period of incarceration and other facts and circumstances of the case, this



Court is inclined to set aside the impugned order and release the appellant on bail on stringent conditions;

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(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, Mahalir Neethimandram, Fast Track Mahila Court, Erode;

(ii) The appellant shall reside at Trichy and report before the Trichy Cantonment 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.

9. In view of the above, the impugned order, dated 06.11.2025 in Crl.M.P.No.1030 of 2025 passed by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court) Erode, is set aside and the Criminal Appeal is allowed.

07.01.2026

Tsg

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

Note: Issue order copy on 09.01.2026



To
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1.The Deputy Superintendent of Police,
Perundurai,
Erode.

2.The Inspector of Police,
Perundurai Police Station,
Erode. (Crime No.312 of 2025)

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Sessions Judge,
Mahalir Neethimandram,
(FTMC), Erode.

5.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN J.
Tsg

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