



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1962 of 2025

Mariyappan
S/o.Anjappan

Appellant(s)

Vs

1.The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.

2.The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District,
Cr.No.340/2025

3.Kandasamy.
S/o.Manian

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 15.12.2025 made in CrI.M.P.No.975 of 2025 in Crime No.340 of 2025 passed by the District and Sessions Judge, Nagapattinam and enlarge the petitioner on bail.

For Appellant(s): Mr. N.Palanivel

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



ORDER

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The appeal challenges the dismissal of the appellant's application filed before the learned District and Sessions Judge, Nagapattinam.

2.The appellant is an accused in Crime No. 340 of 2025 registered for the offence under Sections 191 (2), 296 (b), 115(2), 351(2) of BNS Act r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act and U/s. 92(e), 92(a) rights of persons with disabilities Act 2016, who was arrested on 15.12.2025.

3.The gist of the allegation is that due to prior enmity, the appellant attacked the defacto complainant with hands and threatened him of dire consequences and also abused him with filthy language 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 a serious offence and that if he is released on bail, he would tamper with the prosecution witnesses and commit similar offence.



5.The learned counsel would submit that the appellant is not a named accused in the FIR; that even in the affidavit filed before the trial Court, the defacto complainant had not named the appellant; that the co-accused, namely, A1 and A2, who have been named in the FIR, have been released on bail by the trial Court; that considering the nature of allegations and the period of incarceration and since the respondent have also filed the final report, which has been taken on file in Spl.S.C.No.15 of 2025 on the file of the Special Court for the exclusive trial of cases under the SC/ST (Prevention of Atrocities) Act, Nagapattinam, the appellant may be released on bail.

6.The learned counsel for the defacto complainant vehemently opposed the grant of bail and would submit that the defacto complainant is a physically challenged person; that the appellant and other accused are continuously causing harassment to the defacto complainant; that if the appellant is released on bail, the appellant is likely to commit similar offences and therefore, the appeal may be dismissed.

7.The learned Government Advocate (Crl. Side) would fairly submit that the respondent have filed the final report; and that the co-accused have been released on bail by the trial Court.



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

9. Admittedly, the appellant is in custody from 15.12.2025. The respondent have filed the final report. The appellant has not been named in the FIR. The co-accused have been released on bail. The further custody of the appellant is not required for the investigation. Hence, this Court is inclined to set aside the impugned order and release the appellant on bail on stringent 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 District and Sessions Judge, Nagapattinam;

(ii) The appellant shall reside at Thanjavur and report before the Thanjavur Town 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;



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(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.



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10. In view of the above, the impugned order, dated 15.12.2025 in Crl.M.P.No.975 of 2025 passed by the learned District and Sessions Judge, Nagapattinam, 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

1. The Deputy Superintendent of Police,
Vedaranyam,
Nagapattinam District.

2. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
Crime No.340/2025

3. The Superintendent,
District Prison,
Nagapattinam

4. The District and Sessions Judge,
Nagapattinam.

5. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN J.
Tsg

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