



CRL A (MD). No. 110 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 25/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL A(MD). No.110 of 2026

Jaisankar @ Jeisankar

... Appellant/Petitioner/Sole Accused

Vs

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.

2.State of Tamilnadu,
Rep by Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.

Crime No.104 of 2026. ...Respondents 1 and 2/Complainants

3.Devadharshini

... Respondent No.3/Defacto Complainant

PRAYER :-This Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order, dated 02.01.2026 made in Cr.M.P.No.263 of 2025 on the file of the learned Special Sessions Judge, Special Court for Exclusive Trial of SC/ST (POA) Act cases, Pudukkottai and to set aside the same and enlarge the appellant on bail in connection with Crime No.104 of 2025 on the file of the respondent Police by allowing this Criminal Appeal.



WEB COPY



CRL A (MD). No. 110 of 2026

For Petitioner : Mr.D.Rajaboopathy

For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R3 : Mr.K.M.Mohammed Ali
Legal Aid Counsel

JUDGMENT

This appeal is filed against the order, dated 02.01.2026 made in Cr.M.P.No.263 of 2025 on the file of the learned Special Sessions Judge, Special Court for Exclusive Trial of SC/ST (POA) Act cases, Pudukkottai.

2. The case of the prosecution is that on 19.12.2025, the appellant sexually harassed the victim girl, who belongs to SC community. When it came to the knowledge of the victim girl's family, the appellant abused the defacto complainant/victim in filthy language. Therefore, the victim / defacto complainant filed a complaint on 19.12.2025, against the appellant, based on which, an FIR was filed for the offences punishable under Sections 75(1)(i), 76, 115(2) of BNS, Section 3(1)(w)(i) of SC/ST



CRL A (MD). No. 110 of 2026

(PoA) Act and Section 4 of TNPHW Act, and on the same day, the appellant was arrested and taken in judicial custody.

3. The appellant preferred a bail petition before the Court below in Crl.M.P.No.263/2025 and the same was dismissed on 02.01.2026. Challenging the same, the appellant is before this Court.

4. The learned counsel for the appellant submits that it is a settled legal position that bail is a rule and jail is an exception, which the trial Court failed to consider. He further submitted that the learned Special Sessions Judge, had mechanically dismissed the appellant's bail application by merely relying on the prosecution's submissions that if the petitioner was released on bail, he may tamper the witnesses, again commit the same offences and that the investigation was pending. Hence, he prayed for grant of bail to the appellant.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submits that investigation is completed and charge sheet has also been filed.



CRL A (MD). No. 110 of 2026

WEB COPY

6. Heard both sides and perused the materials available on record.

7. Admittedly the investigation is over and the charge sheet has already been filed. Hence, this Court is inclined to enlarge the petitioner on bail on conditions stated hereinafter.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 02.01.2026 in Crl.M.P.No.263 of 2025 on the file of the learned Special Sessions Judge, Special Court for Exclusive Trial of SC/ST (POA) Act cases, Pudukkottai, is hereby set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of SC/ST (POA) Act cases, Pudukkottai, and on further condition that:

i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

ii) The appellant shall appear before the trial



CRL A (MD). No. 110 of 2026

Court, daily at 10.30 a.m till the completion of the trial.

iii) The appellant shall file an undertaking affidavit before the respondent Police that he will not visit the occurrence village and will not disturb the victim/defacto complainant's family.

iv) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) the appellant shall not tamper with evidence or witness during trial and he shall not involve in similar type of offences during the bail period.

vi) 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]*.

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

25.02.2026

Indu



CRL A (MD). No. 110 of 2026

To

WEB COPY

1. The learned Special Sessions Judge,
Special Court for Exclusive Trial of SC/ST (POA) Act cases,
Pudukkottai.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.
3. The Inspector of Police,
Athanakottai Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL A (MD). No. 110 of 2026

N.MALA., J

Indu

CRL A(MD). No.110 of 2026

25/02/2026