



CRL A (MD). No. 121 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL A(MD). No.121 of 2026

Jose Mariyaragul

... Appellant/Petitioner/A1

Vs

1.The State of Tamil Nadu Rep.By
The Deputy Superintendent of Police,
Andipatti Sub Division,
Theni District.

...1st Respondent/Investigation Officer
/Investigation Officer

2.The State of Tamil Nadu rep.by
The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District
(Crime No.35 of 2025)

... 2nd Respondent/Investigation Officer/
Investigation Officer

3.Jeyasri

...Respondent No.3/Defacto complainant
/Defacto Complainant

PRAYER :- This appeal is filed under Section 14-A (2) of SC/ST (POA) Act, 1989, as amended by Act 1/2016 against the order dated 09.01.2026 in Crl.M.P.No.01 of 2026 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Sessions Judge, Theni.



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For Appellant : Mr.B.Fazilkirmani

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

For R3 : Mr.Paresh Kumar

JUDGMENT

This appeal is filed against the dismissal order dated 09.01.2026 passed in Crl.M.P.No.01 of 2026 on the file of the Special Court for Trail of Cases under SC/ST (POA) Act, Sessions Judge, Theni. However, the earlier appeal filed by the appellant in Crl.A(MD)No.1215 of 2025 was also dismissed by this Court on 28.11.2025 and the same was suppressed by the appellant.

2. After the death of her parents, the defacto complainant is residing in her grand-mother's house. While so, the appellant, on the false promise of marrying the defacto complainant, had sexual intercourse with her. However, when the defacto complainant asked the appellant to marry her, he deserted her. The defacto complainant along with her grand-mother went to the appellant's house and approached him as well as his parents/A2 and A3 to accept her in marriage. However, the



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accused refused and therefore the defacto complainant lodged a complaint against the accused for the offences under Sections 69, 296(b), 351(2) of BNS, 2023 and Sections 3(1)(w)(i), 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Pursuant thereto, the FIR was registered in Crime No.35 of 2025. The appellant filed the petition in Crl.M.P.No.01 of 2026 for bail and the same was dismissed by the trial court and hence, the above appeal.

3. The learned counsel for the appellant submitted that investigation is over and that the appellant's parents, who are assigned as the accused 2 and 3 in the crime, were already enlarged on bail. The learned counsel therefore submitted that the appellant may be enlarged on bail subject to conditions as this Court deems fit.

4. The learned counsel for the third respondent/defacto complainant filed a written submission and submitted that the appellant suppressed the fact that his earlier appeal in Crl.A(MD)No.1215 of 2025, against rejection of bail, was also dismissed by this Court on 28.11.2025.



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The learned counsel for the third respondent/defacto complainant further submitted that if the appellant is released on bail, he will tamper the evidence. The learned counsel submitted that if the appellant is enlarged on bail, the life of the defacto complainant would be endangered

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

6. It is trite law that the bail is the rule and jail is exception. The investigation in the case is completed. Considering the concern of the defacto complainant that the appellant would tamper the evidence since he is a influential person and that he poses a threat to her life, this Court is of the view that the appellant can be enlarged on bail subject to stringent conditions.

7. Accordingly, the Criminal Appeal is allowed and the order dated dated 09.01.2026 in CrI.M.P.No.01 of 2026 on the file of the Special Court for Trail of Cases under SC/ST (POA) Act, Sessions Judge, Theni, 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)



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with two sureties, each for a like sum to the satisfaction of the Special Court for Trial of Cases under SC/ST (POA) Act, Sessions Judge, Theni, 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 stay at Villupuram and shall appear before Villupuram Town Police Station daily at 10.30 a.m till the completion of the trial.

iii) 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.

iv) 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.

v) The appellant shall not go to the defacto complainant's village at Andipatti, Theni District during the bail period.



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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]*.

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

26.02.2026

CM

Note: Issue order copy on 27.02.2026

TO

The Deputy Superintendent of Police,
Andipatti Sub Division, Theni District.

2.The Inspector of Police,
All Women Police Station,
Andipatti, Theni District
(Crime No.35 of 2025)

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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N.MALA., J

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