



CRL.A(MD)No.168 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2026

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THE HONOURABLE MRS.JUSTICE N.MALA

Crl.A(MD)No.168 of 2026

N.Shanmuganathan

... Appellant/Petitioner/
Accused No.1

Vs.

1.The State of Tamil Nadu,
Rep by its Inspector of Police,
CCB Tirunelveli City Police Station,
Tirunelveli District.
Crime No.1/2022.

...Respondent/Respondent/
Complainant

2.Perumbadaiyar

...Respondent

*(R2 is impleaded as per order of this Court
dated 04.02.2026 in Crl.M.P(MD)No.2804
of 2026 in Crl.A(MD)No.168 of 2026)*

Prayer: This Criminal Appeal has been filed under Section 14(A) of SC/ST Act, to call for the records relating to the impugned judgment dated 28.01.2026 in Cr.M.P.No.41 of 2026 in S.C.No.105/2022 on the file of the II Additional Sessions Court, Tirunelveli and to set aside the same and enlarge the appellant/Accused No.1 on bail in S.C.No. 105/2022 arising out of Crime No.01 of 2022 on such terms and conditions.



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For Appellant : Mr.V.R.Shanmuganathan
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R2 : Mr.A.Robinson

JUDGMENT

This Criminal Appeal is filed challenging the order dated 28.01.2026 in Cr.M.P.No.41 of 2026 in S.C.No.105/2022 on the file of the II Additional Sessions Court, Tirunelveli.

2.Admittedly, there is a history of civil and criminal litigation between the appellant and the second respondent. A complaint was registered against the appellant in Crime No.488 of 2020 by the second respondent, for offences under Sections 352, 294(b), 506(1) of IPC r/w Sections 3(1)(g), 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, on the file of the Perumalpuram Police Station, Tirunelveli City.

3.The appellant was granted bail on 13.08.2020 in CrI.M.P.No. 1053 of 2020. The appellant later filed a quash petition in CrI.O.P(MD)No.14737 of 2020 before this Court, and the same was



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dismissed. Meanwhile, the appellant executed a settlement deed on 26.02.2021, in favour of his wife in respect of the disputed property and later on proper advice, cancelled the same on 01.10.2021 vide Document No.6778/2021. Thereafter, Crime No.488 of 2020 was closed as mistake of fact on 07.06.2021.

4.The second respondent subsequently, on 28.09.2021, submitted a complaint before the Commissioner of Police, Tirunelveli City, against the appellant, his wife and four others in connection with the settlement deed dated 26.02.2021. Based on the said complaint, a criminal case in Crime No.1 of 2022 was registered on 10.02.2022 for offences under Sections 465, 467 and 468 of IPC. On 19.05.2022, the Police altered the offences in Crime No.1 of 2022 by including Sections 420, 465, 467, 468,471 of IPC and Section 3(1)(g) of the SC/ST (POA) Act and also impleaded the Palayamkottai Joint – I Sub Registrar as Accused No.6.

5.After completion of investigation, a charge sheet was filed on 28.07.2022 before the II Additional District and Sessions Court (PCR), Tirunelveli, and the same was taken on file in S.C.No.105 of 2022. Thereafter, on 12.09.2022, the appellant filed a petition in Crl.O.P(MD)No.17047 of 2022 before this Court seeking to quash the



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charge sheet in S.C.No.105 of 2022. The said petition was dismissed with exemplary cost of Rs.10,00,000/-. Challenging the same, the appellant filed SLP (Crl.) No.433 of 2024 before the Hon'ble Supreme Court and the same was dismissed. However, the cost imposed was set aside. The appellant thereafter filed Cr.M.P.No.41 of 2026 in S.C.No.105 of 2022 for bail. The Trial Court after careful consideration dismissed the bail petition. Aggrieved by the order of the Trial Court, the appellant has filed the present criminal appeal.

6.The learned counsel for the appellant submitted that the reasons cited by the Trial Court for declining bail were untenable. The learned counsel further submitted that the finding of the Trial Court that the appellant undertook to vacate the premises on or before 01.10.2017 by filing sworn affidavit in CRP(NPD)(MD)No.2427 of 2018, but failed to do so and also executed the settlement deed in violation of the undertaking was untenable. The learned counsel submitted that there was no undertaking given and therefore there was no question of violation of any undertaking to hand over possession of the property on or before 01.10.2017. The learned counsel submitted that the appellant's contention that no undertaking was given is established from the landlord's initiation of execution proceedings to evict the appellant. In the execution



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proceedings, an application to implead the second respondent was filed and the same was allowed. Aggrieved by the order impleading the second respondent, the appellant preferred a civil revision petition before this Court in CRP(NPD)(MD)No.2427 of 2018 and the same was allowed on 04.06.2019. The learned counsel submitted that the appellant had subsequently cancelled the settlement deed executed by him in favour of his wife. The learned counsel therefore submitted that the impugned order of the Trial Court deserved to be set aside for non-consideration of the aforesaid facts.

7.The learned counsel for the second respondent submitted that the following four cases are pending against the appellant:

(i)Crime No.241/2025 u/s.108 BNS on the file of Srivilliputhur Police Station.

(ii)Crime No.387/2017 under Section 294(b), 420, 506(iii) of IPC and Section 4 of TNPHW Act, on the file of Srivilliputhur Police Station.

(iii)Crime No.193/2016 under Section 435 of IPC, on the file of Srivilliputhur Police Station.

(iv)Crime No.488/2020 under Section 352, 294(b), 420, 506(i) of IPC @ 3(i)(R), 3(i), 3(2) of SC/ST Act.



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The learned counsel further submitted that if the appellant is released on bail, he will continue to abuse the process of law.

8.The learned Government Advocate, filed a report affirming that the aforesaid cases are pending against the appellant. The learned Government Advocate further submitted that the appellant's wife was already absconding and a warrant was issued for her custody on 19.08.2025. Even the appellant was apprehended by issuing a warrant on 20.01.2026 for his custody. Thereafter, due to his illness, the appellant was admitted to the hospital and discharged on 24.01.2026. The respondent therefore submitted that if the appellant is released on bail, he will tamper the evidence and also abscond like his wife.

9.Heard both sides and perused the materials on record.

10.Considering the fact that the appellant is involved in four other cases and in view of the direction issued by this Court to the Trial Court to dispose of the matter on or before 20.04.2026, the order of the Trial Court declining bail cannot be found fault with. Considering the submission of the learned counsel for the respondent that if the appellant is released on bail, he will tamper with the evidence and abuse the



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process of law, this Court is not inclined to interfere with the order of the

Trial court. Accordingly, this Criminal Appeal stands dismissed.

17.02.2026

NCC: Yes/No

Index : Yes / No

Internet : Yes/ No

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To:

- 1.The II Additional Sessions Court,
Tirunelveli.
- 2.The Inspector of Police,
CCB Tirunelveli City Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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