



CRL A(MD). No.324 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.03.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.324 of 2026

R.Mathan

... Appellant

Vs

1. The Deputy Superintendent of Police,
Elayankudi Sub Division,
Sivagangai District.

2. The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

3. Kamalesh

... Respondents

Criminal Appeal filed under Section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, to call for the records and set aside the order dated 04.03.2026 passed in CrI.M.P.No.49 of 2026 on the file of the Special Court for Exclusively trial of cases under SC/ST (POA) Act cum Sessions Judge, Sivagangai and release the appellant on bail pending investigation in Crime No.61 of 2026 on the file of Elayankudi Police Station, Sivagangai District.



CRL A(MD). No.324 of 2026

For Appellant : Mr.S.C.Herold Singh
For R1 and R2 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.side)
For R3 : No appearance

JUDGMENT

The appellant is an accused in Crime No.61 of 2026 on the file of the 2nd respondent Police, for the offence under Sections 296(b), 351(2) of BNS and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is that on 22.02.2026, at about 5.00 p.m. the appellant along with other accused abused the defacto complainant in filthy language and also by using his caste name. Hence, the case was registered on 22.02.2026 and the appellant was arrested and remanded to judicial custody on 27.02.2026. Thereafter, he has moved a bail petition before the trial Court in Crl.M.P.No.49 of 2026 and the same was dismissed by the trial Court on 04.03.2026. Challenging the same, the appellant has moved this appeal.



CRL A(MD). No.324 of 2026

3. The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has not committed any offence as alleged by the prosecution. There was a dispute between certain groups in the village, relating to community issues, due to which, the defacto complainant has lodged this complaint as against the appellant. He further submitted that the essential ingredient of the offence is not made out as the appellant was not present in the place of occurrence. Therefore, this case has been foisted as against the appellant. Since the appellant is in jail for the past one month, he prayed to grant bail to the appellant.

4. The learned Government Advocate (Crl. Side) opposed that apart from this case, the appellant is having two previous cases.

5. This Court, by order dated 12.03.2026, ordered notice to the 3rd respondent. Though notice was served on the 3rd respondent, there is no representation for the 3rd respondent.



CRL A(MD). No.324 of 2026

6. Considering the nature of offence and the period of incarceration undergone by the appellant, this Court is inclined to allow this Criminal Appeal.

7. Accordingly, this Criminal Appeal is allowed and the order dated 04.03.2026 passed in Crl.M.P.No.49 of 2026 on the file of the Special Court for exclusive trial of cases under SC/ST (POA) Act cum Sessions Judge, Sivagangai, is hereby set aside. The appellant is ordered to be released on bail on the following conditions:-

i) The appellant shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusively trial of cases under SC/ST (POA) Act cum Sessions Judge, Sivagangai.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The appellant shall stay at Madurai and report before the Inspector of Police, Othakadai Police Station,



CRL A(MD). No.324 of 2026

daily at 10.30 a.m., until further orders.

WEB COPY

iv) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

27.03.2026

ogy

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.

To

1. The Special Court for exclusive trial of cases
under SC/ST (POA) Act cum Sessions Judge,
Sivagangai.
2. The Superintendent,
District Jail, Madurai.
3. The Deputy Superintendent of Police,
Elayankudi Sub Division,
Sivagangai District.
4. The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

5/6



WEB COPY



CRL A(MD). No.324 of 2026

B.PUGALENDHI, J.

ogy

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

CRL A(MD)No.324 of 2026

27.03.2026