



CRL A(MD). No.371 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.04.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.371 of 2026

Swaminathan

... Appellant

Vs

1. The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police,
Kottaiappattinam Sub-Division,
Pudukkottai District.

2. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.

3. Priya

... Respondents

Criminal Appeal filed under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015, to call for the records relating to the impugned order passed by the learned Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai (FAC) in CrI.M.P.(MD)No.71 of 2026, dated 13.03.2026



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and set aside the same by allowing the criminal appeal and enlarge the appellant on bail in Cr.No.96 of 2025.

For Appellant : Mr.K.Balasundaram,
Senior Counsel
for M/s.KBS Law Office

For R1 and R2 : Mr.S.Prakash,
Government Advocate (Crl. Side)

For R3 : Mrs.Priya
Party-in-person

JUDGMENT

The appellant is the 10th accused in Crime No.96 of 2025, on the file of the second respondent Police, registered for the offence under Sections 191(2), 191(3), 103(2), 351(3) of BNS r/w. Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015. He was arrested on 21.08.2025 in connection with the occurrence said to have taken place on 24.07.2025, in which, one Kannan and his brother Karthick were done to death by accused Nos.1 to 8.

2. The motive, as per the FIR, is that the 2nd accused's friend purchased a motorcycle of one Suriya Prabhu, who is the cousin of the



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deceased Kannan. Since the purchaser of motorcycle has not paid the money, there was a demand made by the deceased Kannan to the 2nd accused. With this motive, accused Nos.1 to 8 said to have assaulted him and caused the death. Based on the confession statement of the arrested accused, the appellant/10th accused has been added as an accused and he is in jail from 21.08.2025.

3. The earlier appeal filed by the appellant before this Court in CrI.A.(MD)No.1109 of 2025 was dismissed by this Court on 30.10.2025, considering the overt act attributed to the appellant and also his period of incarceration. Another appeal filed by the appellant in CrI.A.(MD)No. 1374 of 2025 was dismissed as withdrawn on 05.01.2026. This is the 3rd appeal filed by the appellant seeking bail in Crime No.96 of 2025.

4. The learned Senior Counsel appearing for the appellant submits that the investigation in Crime No.96 of 2025 has been completed and the final report has also been filed before the concerned Court and the same has been taken on file. According to him, the appellant/10th accused was arrested pursuant to the second confession statement



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recorded from the 1st accused. The first confession statement was recorded from the 1st accused on 25.07.2025 and the second confession statement was recorded from the 1st accused on 19.08.2025 and only during the second confession statement, this appellant has been added as an accused. The learned Senior Counsel has also referred to the order of this Court passed in Crl.A.(MD)No.318 of 2026, dated 27.03.2026, wherein, this Court has granted bail to the 13th accused in Crime No.96 of 2025.

5. The learned Government Advocate (Crl. Side) submits that this is a case of double murder. The earlier appeal filed by the appellant in Crl.A.(MD)No.1109 of 2025 was dismissed on 30.10.2025 and another appeal filed by the appellant in Crl.A.(MD)No.1374 of 2025 was also dismissed as withdrawn on 05.01.2026. He further submits that apart from the motive of purchase of motorcycle, there was yet another motive between the family of the accused and the deceased. The brother of the 2nd accused wanted to marry the defacto complainant, who is the wife of the deceased Kannan. Therefore, he strongly opposed to grant bail to the appellant.



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6. This Court considered the rival submissions made.

7. The appellant is the 10th accused in Crime No.96 of 2025. It appears that the appellant has been implicated only through the second confession statement, which was recorded on 19.08.2025. In this case, the investigation was over and the final report has also been filed and the same has been taken on file. The overt act attributed to the appellant through the confession statement is that the appellant picked up the accused and dropped in the place of occurrence and when he was arrested, the mobile phone of A1 to A3 were also recovered from him.

8. Considering the overt act as against the appellant, his period of incarceration and also considering the fact that the investigation has already been completed and the co-accused, namely, 13th accused has been granted bail by this Court in Crl.A.(MD)No.318 of 2026, dated 27.03.2026, this Court is inclined to grant bail to the appellant with certain conditions.



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9. Accordingly, this Criminal Appeal is allowed and the order passed by the learned Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai (FAC) in CrI.M.P.(MD)No.71 of 2026, dated 13.03.2026 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 learned Special Sessions Judge, Special Court for Trial of SC/ST Act Cases, Pudukkottai (FAC).

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 Chennai and report before the Inspector of Police, Avadi Police Station, Chennai, daily at 10.30 a.m., until further orders. The appellant shall not visit the occurrence village till the trial is over, except the hearing dates before the trial Court.

iv)The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not



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tamper with the prosecution witnesses. The appellant shall co-operate for the trial.

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

07.04.2026

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Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

To

1. The learned Special Sessions Judge,
Special Court for Trial of SC/ST Act Cases,
Pudukkottai.
2. The Superintendent,
District Prison,
Pudukkottai.
3. The Inspector of Police,
Avadi Police Station,
Chennai.
4. The Deputy Superintendent of Police,
Kottaipattinam Sub-Division,
Pudukkottai District.



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5. The Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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