



Crl. A(MD)No.559 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.05.2026**

CORAM:s

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

Crl. A(MD) No. 559 of 2026

Suresh @ Utchimakali

: Appellant/ Accused No.12

Vs.

The State of Tamilnadu rep. by its,
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.

(Crime No.302 of 2024)

: Respondent/Complainant

PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989, to set aside the order passed by the learned Sessions Judge, Special Court for trial of Cases, registered under SC/ST (POA) Act 1989, Tirunelveli in Cr.M.P.No.239 of 2026 dated 30.04.2026 and enlarge the petitioner on bail in connection with Criminal Case in Spl.S.C.No.75 of 2024 in Crime No.302 of 2024.

For Appellants : Mr.J.Vijayaraja

For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl. Side)

JUDGMENT

The present Criminal Appeal has been filed to set aside the impugned order, dated 30.04.2026 made in Cr.M.P.No.239 of 2026 in



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Spl.S.C.No.75 of 2024 in Crime No.302 of 2024, passed by the learned Sessions Judge, Special Court for trial of Cases, registered under SC/ST (POA) Act 1989, Tirunelveli.

2. The appellant/petitioner is arrayed as accused No.12 in the above referred crime number. The said case has been registered against this petitioner and other accused under Sections 302 @ 147, 148, 341, 294(b), 302, 120(b) of IPC r/w Section 3(2)(v) of SC/ST Act @ 302 IPC @ 147, 148, 341, 294(b), 120(b), 34 of IPC r/w Section 3(2)(v) of SC/ST (POA) Act. After registering the FIR, he was arrested and released on bail on condition to appear before the Peambur District, Maruvathur Police Station daily twice at 09.00 a.m and 05.00 p.m.. Thereafter, he failed to comply the condition and hence, NBW was issued against the petitioner and he was arrested on 06.02.2026. Thereafter, he filed an application under Section 483 of BNSS., wherein, he praying to enlarge the bail. In view of the impugned order dismissed the application filed by the petitioner, the petitioner is in incarceration from 06.02.2026. Challenging the said order, the appellant prepared this appeal before this Court.



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3. The learned counsel appearing for the appellant appeared before this Court and made the submission as for the past 95 days, the appellant was in judicial custody. He would further submit that due to previous enmity, he was falsely implicated in this case and the investigation has been completed and charge sheet has been filed and the same was taken on file in S.C.No.75 of 2024 and therefore, prayed for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the the appellant was already granted bail, but he failed to comply the condition, due to which, the trial Court had issued NBW to the petitioner and the same was executed and arrested the appellant. He would further submit that the investigation has been completed and the trial is not yet commenced.

5. I have considered the rival submissions made by the learned counsels appearing on either side.

6. Now, on going through the impugned order dated 30.04.2026



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passed by the learned Sessions Judge, Special Court for trial of cases registered under the SC/ST (POA) Act, 1989, Tirunelveli, it is revealed that, after mentioning the reason that the NBW is pending against the other accused, dismissing this petition is not necessary. More than that, considering the period of incarceration, further custodial interrogation is not necessary for completing the investigation.

7. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 30.04.2026 made in Cr.M.P.No.239 of 2026 on the file of the learned Sessions Judge, Special Court for trial of cases registered under the SC/ST (POA) Act, 1989, Tirunelveli.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 30.04.2026 made in Cr.M.P.No.239 of 2026 on the file of the learned Sessions Judge, Special Court for trial of cases registered under the SC/ST (POA) Act, 1989, Tirunelveli, is 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 learned Sessions Judge, Special Court for trial of cases registered



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under the SC/ST (POA) Act, 1989, Tirunelveli, and on further condition
that:

[a] the appellant shall appear before the
respondent police daily at 10.30 a.m. until further
orders;

[b] the appellant shall not tamper with
evidence or witness either during investigation or
trial;

[c] the appellant shall not abscond either
during investigation or trial;

[d] On breach of any of the aforesaid
conditions, the Trial Court is entitled to take
appropriate action against the appellant in accordance
with law, as if the conditions have been imposed and
the appellants released on bail by the Trial Court
itself as laid down by the Hon'ble Supreme Court in
**P.K.Shaji vs. State of Kerala [(2005)AIR SCW
5560]**.

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Index : Yes/No
Internet : Yes/No
vsg



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To:-

- 1.The learned Sessions Judge, Special Court for trial of cases registered under the SC/ST (POA) Act, 1989, Tirunelveli.
- 2.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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