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Crl.A.(MD).No.563 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated	:	14.05.2026
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THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.A.(MD).No.563 of 2026

Mani @ Manikandan

... Appellant

Vs

1.The State of Tamilnadu rep by
The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Cumbum Police Station,
Theni District.
Crime No.52 of 2026

2.Vairaharish

... Respondents

PRAYER:- This Criminal Appeal has been filed under Section 14(A) (2) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order of the learned Special Court for Trial of Cases, in Crl.M.P.No.93 of 2026 dated 29.04.2026 and enlarge the appellant on bail in Crime No.52 of 2026 on the file of the 1st respondent police.

For Appellant	: Mr.K.P.S.Palanivelrajan Senior Counsel for
	: Mr.M.Jegadeesh Pandian
For Respondent	: Mr.S.Ravi Additional Public Prosecutor for R1
	: Ms.J.Vidya for R2



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JUDGMENT

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The appellant is arrayed as A1 in Crime No.52 of 2026. Along with other accused, he is alleged to have committed the offences for unlawful gain. Earlier, the appellant approached this Court seeking bail and the said bail application came to be dismissed on 15.04.2026. Thereafter, the appellant filed a subsequent bail application before the learned Special Court seeking statutory bail under Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The same was dismissed by the learned trial Judge on merits by the impugned order. Challenging the said order, the present appeal has been filed.

2.Learned Senior Counsel appearing for the appellant, through Mr.K.P.S.Palanivelrajan submitted that the appellant was arrested on 25.01.2026 and confined in District Prison, Theni, and, on expiry of the statutory period of 90 days, he filed an application seeking default bail under Section 187 of the BNSS in CrI.M.P. No.93 of 2026. However, the learned trial Judge dismissed the said application by order dated 29.04.2026.

3.The learned counsel for the defacto complainant would submit that the respondent police have intentionally not filed the final report and seeks bail with a stringent the imposition of a condition directing the accused to stay away



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from the place of occurrence, since the defacto complainant has alleged receiving continuous threats from the accused and his family members.

4.This Court heard the learned Government Advocate (Criminal side) as well as the learned counsel appearing for the defacto complainant/intervenor and perused the materials available on record.

5.Both the learned Government Advocate (Criminal Side) and the learned counsel appearing for the defacto complainant fairly admitted that, as on date, no final report has been filed.

6.In the present case, the appellant was arrested on 25.01.2026 and despite the stringent provisions and mandatory safeguards contemplated under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Investigating Officer has failed to file the final report within the prescribed period.

7.In view of the above admitted factual position, this Court, without going into the merits of the allegations, is inclined to grant statutory/default bail to the appellant, since the right accrued under Section 187 of the BNSS is an



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indefeasible right, as held by the Hon'ble Supreme Court in

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(i)Uday Mohanlal Acharya vs State of Maharashtra (2001) 5 SCC 453

(ii)Rakesh Kumar Paul vs. State of Assam (2017) 15 SCC 67

(iii)Achpal @ Ramswaroop and another vs. State of Rajasthan (2019) 14 SCC 599.

8.Accordingly, this Criminal Appeal is allowed and the impugned order passed in Crl.M.P.No.93 of 2026 dated 29.04.2026 on the file of the Special Court for Trial of cases Under SC/ST (POA) Act, Theni, is hereby set aside. The petitioner is order to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like cum to the satisfaction of the learned Special Court for Trial of Cases under SC/ST (PoA) Act, Theni.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)The appellant shall stay at Salem and appear before the Fair Lands police station daily at 10.30 a.m. until further orders.

(iii)the appellant shall not tamper with evidence or witness.

(iv)the appellant shall not abscond during trial.



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(v)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself 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 229A of IPC.

14.05.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbm

To

- 1.The Special Court for Trial of Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act,
Theni
- 2.The Jailer
District Jail,
Theni.
- 3.The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Cumbum Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN.J,

sbn

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