



CRL A(MD). No.584 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.05.2026

CORAM

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

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Saravanan

S/o. Murali Krishnan @ Kittu

... Appellant

Vs

1. The State of Tamil Nadu, Rep. by its
The Assistant Commissioner of Police,
Palayamkottai Police Station
Tirunelveli District.

2. State Of Tamilnadu Rep By
Inspector Of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Cr. No. 302/2024)

3. Muthukumar

... Respondents

PRAYER: Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989, as amended by Act 1/2016 seeking to call for the records and set aside the order passed by the learned Sessions Judge, Special for trial of cases registered under SC/ST (POA) Act, 1989, Tirunelveli in CrI.M.P.No.248 of 2026 dated 11.05.2026 and enlarge the appellant on bail in connection with the criminal case in Spl.S.C.No.75 of 2024 in Crime No.302 of 2024 and to pass such other orders.



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For Appellant : Mr.J.Vijayaraja

For Respondents : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)
for R1 and R2

ORDER

The present Criminal Appeal has been filed to set aside the impugned order, dated 11.05.2026 made in Crl.M.P.No.248 of 2026 in 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 herein is arrayed as accused No.6 in the above referred crime number. The said case has been registered against this petitioner and other accused under Sections 147, 148, 341, 294(b), 302 of IPC and under Sections 3(2)(va) of SC/ST (POA) Act @ 147, 148, 341, 120(b), 294(b), 302 of IPC and Sections 3(2)(va) of SC/ST (POA) Act. After registering the FIR, he was arrested and released on bail on condition to appear before the Cheyyar 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 appellant and he was arrested on

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05.11.2025. Thereafter, he filed an application under Section 483 of BNSS, praying to be enlarged on bail. However, by the impugned order, the trial Court dismissed the said application filed by the appellant. The appellant has been in incarceration since 05.11.2025. Challenging the said order, the appellant has preferred the present appeal before this Court.

3. According to the learned Counsel appearing for the appellant Accused No.12 who stands on a similar footing and who was also rejected in execution of NBW had filed Criminal Appeal No.559 of 2026 before this Court and the appeal was allowed by this Court on 07.05.2026. The paragraph Nos.6 and 7 of the said order are extracted hereunder:

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



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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."

4. The learned Counsel appearing for the appellant would submit that the appellant has been in judicial custody for the past 196 days. He would further submit that, due to previous enmity, the appellant has been falsely implicated in this case. The investigation has been completed, and the charge sheet has been filed and taken on file in S.C. No. 75 of 2024; therefore, he prayed that the appellant be enlarged on bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the appellant was already granted bail, but he failed to comply the condition, due to which, the trial Court had issued NBW to the appellant 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.



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6. This Court considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

7. Considering the fact that the Accused No.12 had also enlarged on bail by this Court on 07.05.2026, the appellant herein is also stands on the similar footing. Therefore, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 11.05.2026 made in CrI.M.P.No. 248 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 11.05.2026 made in CrI.M.P.No.248 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 under the SC/ST (POA) Act, 1989, Tirunelveli,



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and on further condition that:

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[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].

20.05.2026

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Index : Yes / No.

NCC : Yes / No.

Note:

Issue order copy on 21.05.2026



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To

1. The Sessions Judge, Special Court for trial of cases registered under the SC/ST (POA) Act, 1989, Tirunelveli
2. The Assistant Commissioner of Police,
Palayamkottai Police Station
Tirunelveli District.
3. The Inspector Of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Cr. No. 302/2024)
4. The Officer-in-charge,
Central Prison, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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20.05.2026