

Crl.A(MD)No.652 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Kaleeswaran

... Petitioner

Vs.

1.State of Tamil Nadu,
through the Deputy Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.42 of 2024)

3.Govindammal

... Respondents

Prayer: Petition filed under Section 14 -A(2) of the SC/ST Act to set aside the order made in CrlMP.No.26 of 2026 on the file of the Additional District and Sessions Judge (PCR), Thanjavur dated 21.04.2026 and allow the appeal and enlarge the appellant on bail.

For Appellant	: Mr.R.Balaji
For Respondent 1 and 2	: Mrs.V.Moushica Government Advocate
For Respondent No.3	: Mr.B.Anandan, Legal Aid Counsel



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ORDER

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The appellant is the sole accused in SSC No.80 of 2024 on the file of the I Additional District and Sessions Judge (PCR), Thanjavur. He was arrested for the offence under Sections 449, 302 IPW r/w Section 3(2)(v) of SC/ST (POA) Act. The appellant was arrested and released on bail on filing of final report dated 19.08.2024 after completion of investigation. After commencement of trial, the appellant failed to appear before the trial court on 29.01.2026 and therefore, a non bailable warrant was issued as against the appellant and he was secured on 16.03.2026 on execution of the NBW. Therefore, he filed a petition seeking bail before the trial court in CrlMP.No.266 of 2026 and the same was dismissed on 21.04.2026. Challenging the same, this appeal is filed.

2.The learned counsel for the appellant submits that the appellant is in jail from 16.03.2026 till date. Since the appellant fell ill and he could not contact his advocate, he did not appear before the trial court on 29.01.2026. He was also not informed of the date of hearing. However, the trial court has issued NBW as against the appellant. His non appearance on 29.01.2026 was neither willful nor intentional and therefore, he seeks bail.



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3. There was no representation for the defacto complainant on 25.06.2026 and therefore, this court appointed Mr.B.Anandan, Advocate of having 17 years experience as legal aid counsel to represent the defacto complainant. The learned legal aid counsel submits that the appellant had evaded the trial. There are 30 witnesses in this case and 14 witnesses have been examined so far and only the official witnesses are to be examined. If the appellant is released on bail, he may not be available for the trial and the trial would be delayed. Therefore, he opposes this appeal.

4. The learned Government Counsel appearing for the respondent police confirmed that 14 witnesses have been examined so far and the remaining witnesses are only official witnesses. She also states that there is no previous cases as against him.

5. This court has considered the rival submissions made.

6. The occurrence took place on 21.02.2024 and final report was filed on 19.08.2024. Out of 30 witnesses, 14 witnesses have been examined so far and only official witnesses have to be examined. The appellant is in



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jail from 16.03.2026. Initially he was granted bail and thereafter he failed to appear before the trial court on 29.01.2026 and a non bailable warrant of arrest was issued and he was secured on 16.03.2026. The appellant has to defend his case. In view of the above, this Court is inclined to grant bail to this appellant, however, with certain conditions.:

(i) The appellant is ordered to be enlarged on bail on executing a bond for a sum of Rs.2,00,000/- (Rupees Two Lakh) with two sureties each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge (PCR), Thanjavur and one of the sureties must be a government servant.

(ii) The appellant and the sureties shall file an affidavit before the respondent police that the appellant will not misuse this liberty and will not indulge in any further offence and he will be available for the trial. He shall cross examine the witnesses on the date of their chief examination.

(iii) The appellant shall appear before the trial court daily at 10.30am, until further orders.

(iv) If the appellant changes his residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the appellant violates any of the conditions, the respondent



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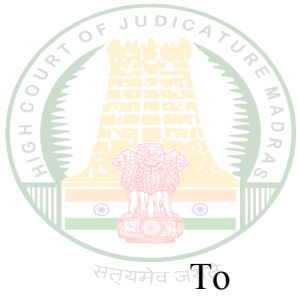
police shall move an application to cancel the order of suspension of sentence of imprisonment.

7.In the result, this appeal is allowed and the order passed in CrlMP.No.26 of 2026 on the file of the Additional District and Sessions Judge (PCR), Thanjavur dated 21.04.2026 is set aside.

8.This court places its appreciation to the learned legal aid counsel Mr.B.Anand, for effectively representing the case of the defacto complainant. The Legal Services Authority is directed to pay a sum of Rs.10,000/- [Rupees Ten Thousand] to the legal aid counsel.

25.06.2026

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- 1.The Additional District and Sessions Judge (PCR), Thanjavur.
- 2.The Deputy Superintendent of Police, Thanjavur District.
- 2.The Inspector of Police, Peravurani Police Station, Thanjavur District.
- 3.The Superintendent, District Jail, Thanjavur.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 5.The Legal Services Authority, Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.,

DSK

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