



CRL A(MD). No.694 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.06.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL A(MD)No.694 of 2026

1. Leeban Prabhu
2. Hari Hara Sudhan

... Appellants

Vs

1. State of Tamilnadu,
The Deputy Superintendent of Police,
North Police Station,
Thoothukudi District.

2. Shendur Pandi

... Respondents

Prayer: Appeal filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records relating to the order dated 12.01.2026 in Cr.M.P.No.272 of 2025 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Thoothukudi and set aside the same and allow this Criminal Appeal by enlarging the appellants on bail in Crime No.294 of 2025.

For Appellants : Mr.J.Joseph Zinoson



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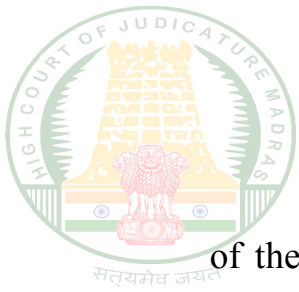
For R1 : Mrs.V.Moushica,
Government Advocate (Crl. Side)
for R1

: Senthur Pandi (R2)
Party-in-person

JUDGMENT

The appellants are A5 and A7 in Crime No.294 of 2025, on the file of the first respondent police. They were arrested on 25.04.2025 in connection with the above case for the offence under Sections 103(1), 3(5), 61(2) of BNS and Section 3(2)(v) of SC/ST (POA) Act. They moved a bail petition before the learned Sessions Judge, Special Court for Trial of Cases Under SC & SC (POA) Act, Thoothukudi, in Crl.M.P.No.272 of 2025 and the same was dismissed by the Trial Court on 12.01.2026. Challenging the same, the appellants have preferred an appeal in Crl.A.(MD)No.107 of 2026 and the same was also dismissed by this Court, vide order dated 05.03.2026. Now, this is second such Appeal.

2. The case of the prosecution is that, on 21.04.2025 at about 02.00 a.m., due to previous enmity between one Akash and Thangaraja, the son



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of the de facto complainant, the accused persons, including the present appellants, assaulted Thangaraja in a conch shell boat bearing Registration No. IND-TN-12-MO-6880, which was located in the sea to the north of the Second Middle Bridge at Threspuram Beach. Thangaraja sustained multiple injuries in the assault and died on the spot.

3. The learned counsel appearing for the appellants submits that the appellants have been in judicial custody for more than one year. According to him, this Court, while dismissing the earlier appeal, had granted liberty to the appellants to renew the application after the cross-examination of the prosecution witnesses was completed. He submits that the prosecution has examined 36 witnesses, out of whom 35 witnesses have already been cross-examined on the side of the defence. PW-7 alone could not be cross-examined, as he is presently not available in India. He further submits that the names of the appellants do not find place in the FIR and that they have been implicated solely on the basis of the confession statements of the co-accused. According to him, there is no specific overt act attributed to the appellants and their continued incarceration is unwarranted.



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4. The learned Government Counsel appearing for the first respondent police submits that the investigation in Crime No.294 of 2025 has been completed and the final report has been filed and taken on file in S.C.No.36 of 2025. He would submit that all material witnesses, except the official witnesses, have already been examined before the Trial Court. The learned counsel submits that considering the nature of the offence, the stage of the trial, and the materials available on record, the appellants are not entitled to be enlarged on bail.

5. This Court has considered the rival submissions made on either side.

6. The appellants were arrested and remanded to judicial custody on 25.04.2025. They are in jail for more than 1 year. The investigation in Crime No.294 of 2025 has been completed and final report has been filed and taken on file in S.C.No.36 of 2025. All the witness except the official witnesses have been examined. Prolonged confinement would not serve any purpose and at the same time, the appellants must be provided with an opportunity to defend the case effectively.



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7. Considering the overt act attributed as against the appellants, their period of incarceration and the stage of the trial, this Court is inclined to grant bail to these appellants, however, with certain conditions.:

(i) The appellants are ordered to be enlarged on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees one Lakh only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

(ii) The appellants and the sureties shall file affidavits before the respondent police that the appellants will not misuse this liberty and will not indulge in any further offence and they will be available for the trial.

(iii) The appellants shall appear before the respondent police daily at 10.30 am and 5.00 pm except on the hearing dates before the trial court. They should appear before the trial court on all the hearing dates.

(iv) If the appellants change their residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the appellants violate any of the conditions, the respondent police shall move an application to cancel the order of bail.

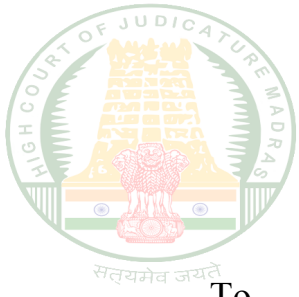


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8. In the result, the Criminal Appeal is allowed and the order passed by the learned Sessions Judge, Special Court for Trial of Cases under SC & SC (POA) Act, Thoothukudi, in CrI.M.P.No.272 of 2025, dated 12.01.2026 is set aside.

24.06.2026

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To
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1. The Deputy Superintendent of Police,
North Police Station,
Thoothukudi District.
2. The learned Sessions Judge,
Special Court for Trial of Cases under SC & SC (POA) Act,
Thoothukudi
3. The Officer incharge,
District Jail, Perurani,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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