



CRL A (MD). No. 1371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22/01/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL A(MD). No.1371 of 2025

A.Sasi @ Sasikumar

... Appellant/Petitioner/A9

Vs

1.The State of Tamil Nadu,
Rep.By the Deputy Superintendent of Police,
Melu, Madurai.

2.The State of Tamil Nadu rep.by
The Inspector of Police,
Melur Police Station,
Madurai District
(Crime No.560 of 2025)

... Respondents 1 and 2/Complainants

3.S.Muthuraj

...Respondent No.3/Defacto complainant

PRAYER :- This appeal is filed under Section 14-A (2) of SC/ST (POA) Act, 1989, against the order dated 10.12.2025 in CrI.M.P.No.393 of 2025 on the file of the III Additional District and Sessions Court (PCR Court), Madurai.

For Appellant : Mr.M.Dinesh Hari Sudarsan

For R1 & R2 : Mr.B.Nambi Selvan
Additional Public Prosecutor



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JUDGMENT

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This appeal is filed against the order dated 10.12.2025 passed in CrI.M.P.No.393 of 2025 on the file of the III Additional District and Sessions Court (PCR Court), Madurai.

2. The case of the prosecution is that on 18.11.2026 at 02.00 p.m at the instigation of the appellant, the other accused brought one Muthuraja to the scene of occurrence with the intention to murder him and attacked him with sword and arvuval. They inflicted grievous injuries on the right hand, left hand and backside of the victim and abused him by his caste name. Hence, a case was registered in Crime No. 560 of 2025 for the alleged offences punishable under Sections 191(2), 191(3), 49, 296(b), 118(1), 109(1), 351(3) of BNSS, 2023 r/w Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant was arrested on 01.12.2025 and has been in judicial custody.

3. The appellant preferred a bail petition before the trial court in CrI.M.P.No.393/2025. When the bail petition came up for hearing, on

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10.12.2025, there was a statewide boycott of court proceedings and hence, the trial court counsel was unable to appear. Due to non-appearance, the bail petition was dismissed for non-prosecution on 10.12.2025. Challenging the same, the appellant is before this Court.

4. The learned counsel for the appellant submits that the bail application involving prolonged custody should be decided on merits. The learned counsel further submitted that the higher courts have disapproved dismissal of applications otherwise than on merit. The learned counsel for the appellant also submits that the court below failed to note that this was a clear case of mistaken identity since, the FIR describes the accused No.9 as "Sasi, son of Ponnaiah", whereas the appellant is "Sasikumar, son of Ayyannan". The learned counsel for the appellant further submits that no recovery was effected from the appellant and that he has no bad antecedents. Hence, he prayed for grant of bail to the appellant.

5. The learned Additional Public Prosecutor, appearing for the respondent submits that the accused 1 to 4 were arrested and released on



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bail. The accused 6 to 9 have obtained a direction that on the day of surrender, their bail applications shall be considered. He further submits that array of the accused was changed after filing of charge sheet. He would oppose the grant of bail to the appellant.

6. Heard both sides and perused the materials available on record.

7. Upon a *prima facie* consideration of the materials placed before this Court, it appears that an issue with regard to the identity of the petitioner as an accused cannot be ruled out, as the person referred to in the FIR is Sasi, son of Ponniah, whereas the petitioner is Sasikumar, son of Ayyanar. Further, the accused Nos.1 to 4 have already been enlarged on bail while the petitioner is in judicial custody since 01.12.2025. Having regard to the above circumstances, without expressing any opinion on the merits of the case, this Court is of the view that the petitioner is entitled to be enlarged on bail.

8. Accordingly, the Criminal Appeal is allowed and the order dated 10.12.2025 in CrI.M.P.No.393 of 2025 on the file of the III Additional



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District and Sessions Court (PCR Court), Madurai., is hereby 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 III Additional District and Sessions Court (PCR Court), Madurai, and on further condition that:

i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

ii) The appellant shall appear before the trial court, daily at 10.30 a.m till the completion of the trial.

iii) The appellant shall file an undertaking affidavit before the respondent Police that he will not visit the occurrence village and will not disturb the deceased's family

iv) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

v) the appellant shall not tamper with evidence or witness during trial and he shall not involve in similar type of offences during the bail period.

vi) On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take



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appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

22.01.2026

CM

TO

1.The Deputy Superintendent of Police,
Melu, Madurai.

2.The Inspector of Police,
Melur Police Station,
Madurai District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA., J

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