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CRL A(MD). Nos.435 and 436 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.04.2026

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**THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

**CRL A(MD)Nos.435 and 436 of 2026**

**and**

**Crl.M.P.(MD)Nos.7856 and 7859 of 2026**

**Crl.A.(MD)No.435 of 2026**

D.Petchimuthu

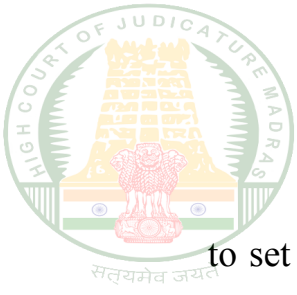
... Petitioner

Vs.

1. The State of Tamilnadu,  
Rep. by the Deputy Superintendent of Police,  
Thoothukudi Rural Sub Division,  
Thoothukudi District.
2. The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Murappanadu Police Station,  
Thoothukudi District.
3. Velmurugan
4. The Superintendent of Police,  
Thoothukudi.  
(R4 is *suo motu* impleaded vide  
order dated 28.04.2026)

... Respondents

Criminal Appeal filed under Section 14A(2) of SC/ST Act, seeking



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to set aside the impugned order dated 16.12.2025 passed in Crl.M.P.No. 1279/2024 on the file of the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi.

For Petitioner : Mr.Kathirvelu,  
Senior Counsel

For R1, R2 : Mr.A.S.Abul Kalaam Azad,  
and R4 : Government Advocate (Crl. Side)

For R3 : No appearance

**Crl.A.(MD)No.436 of 2026**

D.Petchimuthu ... Petitioner

Vs.

1. The State of Tamilnadu,  
Rep. by the Deputy Superintendent of Police,  
Thoothukudi Rural Sub Division,  
Thoothukudi District.

2. The State of Tamilnadu,  
Rep. by the Inspector of Police,  
Murappanadu Police Station,  
Thoothukudi District.

3. Sivaperumal

4. The Superintendent of Police,  
Thoothukudi.

(R4 is *suo motu* impleaded vide  
order dated 28.04.2026)

... Respondents



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Criminal Appeal filed under Section 14A(2) of SC/ST Act, seeking to set aside the impugned order dated 16.12.2025 passed in Crl.M.P.No. 1280/2024 on the file of the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi.

For Petitioner : Mr.Kathirvelu,  
Senior Counsel

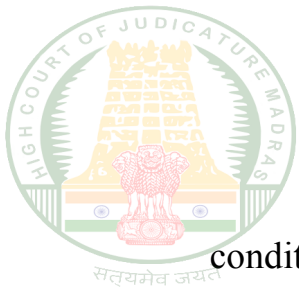
For R1, R2 : Mr.A.S.Abul Kalaam Azad,  
and R4 Government Advocate (Crl. Side)

For R3 : No appearance

### **COMMON JUDGMENT**

The appellant is the accused No.1 in S.C.No.39 of 2022 and accused No.5 in S.C.No.10 of 2024 on the file of the Special Court for trial of cases under SC & ST (PoA) Act, Thoothukudi. Initially, he was released on bail. However, pursuant to the Non-bailable Warrant issued by the trial Court, he was arrested and remanded to judicial custody. Thereafter, he was released on bail by the trial Court in Cr.M.P.Nos.1213 and 1214 of 2024, by order dated 24.10.2024, on condition that he shall stay at Chennai and report before Thirumangalam Police Station daily at 10.00 a.m. and 5.00 p.m. However, he has not complied with the condition, instead, he filed an application seeking modification of

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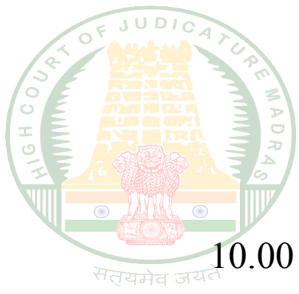


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condition imposed by the trial Court, on 12.11.2024. In the meantime, he was arrested in connection with another case in Crime No.274 of 2024 on the file of the Seidunganallur Police Station, Thoothukudi District, for the offence punishable under Sections 296(b), 132, 351(3) BNS and Section 3(1) of TNPPDL Act. Therefore, the application filed for modification of condition was withdrawn.

2. Subsequently, the appellant has moved a bail petition before this Court in CrI.O.P.(MD)No.22267 of 2025 seeking to grant bail in Crime No.274 of 2024, wherein, the respondent Police has projected that the appellant/accused is having 17 previous cases to his credit, out of which, 8 cases are relating to the offence under Section 302 IPC and also the conduct of the appellant/accused in not complying with the condition imposed by the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi. However, taking note of the antecedent as against the appellant/accused and the objections of the respondent Police, this Court, by order dated 02.01.2025, granted bail on condition that the appellant/accused shall report before the Deputy Superintendent of Police, Murappanadu Police Station, Thoothukudi District, daily at

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10.00 a.m until further orders. In the meantime, the respondent Police has filed petitions before the trial Court, in CrI.M.P.Nos.1279 and 1280 of 2024 seeking cancellation of bail granted in Cr.M.P.Nos.1213 and 1214 of 2024 on ground that the appellant/accused has failed to comply with the condition after his release on bail on 07.11.2024. The trial Court, by its order dated 16.12.2025, cancelled the bail granted to the appellant in Cr.M.P.Nos.1213 and 1214 of 2024. Challenging the same, the appellant has filed these criminal appeals.

3. The learned Senior Counsel appearing for the appellant submits that the appellant has not defaulted. In fact, he was released on bail by the trial Court on 07.11.2024 and thereafter, he filed an application seeking modification of condition imposed by the trial Court, on 12.11.2024. However, the respondent Police has arrested the appellant in connection with the case in Crime No.274 of 2024 on the file of Seidunganallur Police Station, Thoothukudi District on 17.11.2024. Therefore, the application filed seeking modification of condition was withdrawn by the appellant.



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4. The learned Senior Counsel by relying upon the order of this Court dated 02.01.2025 passed in CrI.O.P.(MD)No.22267 of 2025, which was filed seeking to grant bail in Crime No.274 of 2024, submits that this Court, by taking note of the objection raised by the respondent Police that the appellant has failed to comply with the condition imposed by the trial Court and also considering the antecedent to his credit, has granted bail to the appellant on 02.01.2025 on condition that the appellant shall report before the Deputy Superintendent of Police, Murappanadu Police Station daily twice. According to the learned Senior Counsel, the appellant has also complied with the said condition and the same was also relaxed by this Court. Thereafter, the State has filed petitions in Cr.M.P.Nos.1279 and 1280 of 2024 seeking cancellation of bail granted to the appellant on the ground that he failed to comply with the condition imposed by the trial Court in Cr.M.P.Nos.1213 and 1214 of 2024, by order dated 24.10.2024. The learned Senior Counsel further submits that in order to detain the appellant, the subsequent case in Crime No.274 of 2024 has been foisted against him. Now, the appellant is prepared to abide by any conditions to be imposed by this Court.



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5. The learned Senior Counsel has also relied on a Judgment of the Hon'ble Supreme Court in *Sheikh Irshad @ Monu vs. State of Maharashtra*, reported in *2025 LiveLaw (SC) 1185*, wherein, the Hon'ble Supreme Court has held that cancellation of bail merely on the pretext of non-appearance in police station may not be a correct approach and a good ground.

6. The learned Government Advocate (Crl. Side) raised serious objection stating that the petitioner is a notorious criminal, having 19 previous cases to his credit, out of which, 8 cases are relating to the offence under Section 302 IPC. He further submits that the case in S.C.No.10 of 2024 is pending without even furnishing the copies. According to him, out of eight cases, five cases are communal related murder cases and one case is a double murder case.

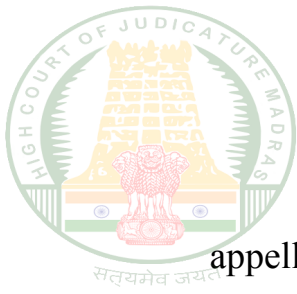
7. This Court considered the rival submissions made and also perused the materials placed on record.



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8. These appeals are filed challenging the orders dated 16.12.2025 passed by the Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi, in CrI.M.P.Nos.1279 and 1280 of 2024, in and by which, the bail granted to the appellant by the trial Court was cancelled on the ground that he failed to comply with the condition.

9. Admittedly, the appellant was granted bail by the trial Court in Cr.M.P.Nos 1213 and 1214 of 2024 by orders dated 24.10.2024 and he was released from prison on 07.11.2024. While granting bail to the appellant, the trial Court imposed a condition that he has to stay at Chennai and report before the Thirumangalam Police Station. Therefore, the appellant has moved a petition seeking modification of condition. In the mean time, he was arrested in connection with another case in Cr.No. 274 of 2024 on the file of Seidunganallur Police Station, Thoothukudi District. Therefore, the petition filed by the appellant seeking modification of condition was withdrawn. In the bail petition filed by the appellant in CrI.O.P.(MD)No.22267 of 2025, this Court, by considering all these facts, granted bail to the appellant in Cr.No.274 of 2024 with certain conditions and that condition was also complied with by the



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appellant and the same was also relaxed by this Court.

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10. Admittedly, the case in S.C.No.10 of 2024 is still pending without framing of charges. In the event, if both the appeals are dismissed, then, the appellant may not be available for the trial and the trial may be pending without any progress. The only ground on which the trial Court has cancelled the bail is that the appellant/accused has failed to comply with the condition from 07.11.2024 to 11.11.2024. He filed a petition seeking modification of condition, on 12.11.2024.

11. The Hon'ble Supreme Court in *Sheikh Irshad @ Monu vs. State of Maharashtra*, reported in *2025 LiveLaw (SC) 1185*, relied upon by the learned Senior Counsel appearing for the petitioner, has held as follows:

“8. From record, we find that after filing chargesheet and on committal of the case to the Court of Sessions, it is pending for trial. As per the orders of the Trial Court, the appellant is appearing in Trial Court. In a situation wherein chargesheet has been filed and the trial is in progress, direction to appear in police station is



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*prima facie* not tenable. It is not a case in which the appellant is not appearing during trial before the Trial Court. However, cancellation of bail merely on the pretext of non-appearance in police station, may not be a correct approach and a good ground.”

12. Considering the ratio laid down by the Hon'ble Supreme Court and also considering the fact that the case in S.C.No.10 of 2024 is pending without framing of charges and the copies are yet to be furnished to the appellant, this Court is inclined to grant bail to the appellant in both the cases. However, considering the antecedent as against the appellant, this Court is inclined to allow these appeals with certain conditions.

13. Accordingly, both the Criminal Appeals are allowed and the orders dated 16.12.2025 passed in Crl.M.P.Nos.1279 and 1280 of 2024 by the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi, are hereby set aside. The appellant is ordered to be released on bail in S.C.Nos.39 of 2022 and 10 of 2024 on the following conditions:-

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i) The appellant shall execute a bond for a sum of Rs.2,00,000/- (Rupees two lakh only) in each case, with two sureties each for a like sum to the satisfaction of the Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi. The sureties must be Government servants.

ii) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address; In the event, if there is any change of address, the same shall be intimated to the concerned Police Station and before the trial Court.

iii) The appellant shall report before the 2<sup>nd</sup> respondent Police daily at 10.30 a.m. until further orders. The appellant shall co-operate for the trial.

iv) The sureties shall file an affidavit before the respondent Police that the appellant would be available for trial in S.C.No.39 of 2022 and S.C.No.10 of 2024 and he would co-operate for trial in all other cases, which are pending against him. The appellant shall also file an affidavit before the respondent Police to that effect.

iv) The appellant shall not misuse the liberty granted to him by indulging in any further offence.

v) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.



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14. Considering the facts and circumstances of this Court, this Court *suo motu* impleads the Superintendent of Police, Thoothukudi as a party to these proceedings and directs the learned Government Advocate (Crl. Side) to take notice for the newly impleaded respondent. The Superintendent of Police, Thoothukudi and the learned Principal District and Sessions Judge in Thoothukudi District, Tirunelveli District and Tenkasi District, shall ensure that the cases which are pending as against the appellant are concluded as expeditiously as possible without any further delay. Consequently, connected miscellaneous petitions are closed.

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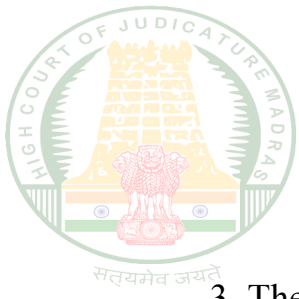
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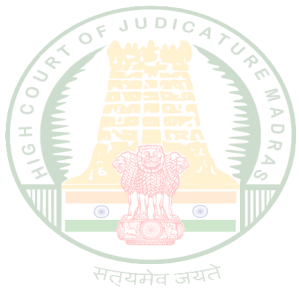
1. The Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi.
2. The learned Principal District and Sessions Judge, Thoothukudi.

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3. The learned Principal District and Sessions Judge,  
Tirunelveli.
4. The learned Principal District and Sessions Judge,  
Tenkasi
5. The Superintendent of Police,  
Thoothukudi District.
6. The Deputy Superintendent of Police,  
Thoothukudi Rural Sub Division,  
Thoothukudi District.
7. The Inspector of Police,  
Murappanadu Police Station,  
Thoothukudi District.
8. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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