

*Crl A(MD)No.114 of 2026*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 16.03.2026

CORAM:

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

**Crl A(MD)No.114 of 2026**

Surya @ Kasivu

... Appellant

Vs.

1.The State of Tamil Nadu,  
Rep by the Deputy Superintendent of Police,  
Kamuthi Sub Division,  
Ramanathapuram District.

2.The State of Tamil Nadu  
rep by the Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District.  
[in Crime No.37 of 2024]

3.Thamaraiselvi

... Respondents

**PRAYER:** Appeal filed under Section 14(A)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 as amended by Act 1 of 2026, to call for the records pertaining to the impugned order passed in Cr.M.P.No.1005 of 20225 in SplSC.No.19 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Ramanathapuram dated 28.11.2025 and set aside the same as illegal and enlarge the appellant on bail by allowing the criminal appeal.



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For Appellant : Mr.K.Jeyamohan  
for Mr.R.Tamil Vanan  
For Respondent : Mr.S.Prakash,  
Nos.1 and 2 Government Advocate  
For Respondent : Mr.S.Suresh Kumar Isaac Paul  
No.3

### **ORDER**

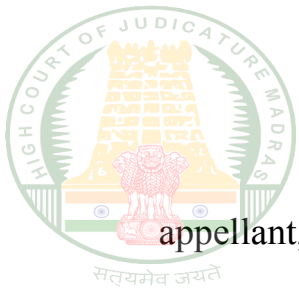
The appellant is the 3<sup>rd</sup> accused in Crime No.37 of 2024 on the file of the respondent police, which was registered for the offence punishable under Sections 341, 294(b), 323, 392, 376(D) and 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(w)(i), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. He was arrested and remanded to judicial custody on 03.02.2024. After investigation, final report was filed as against this appellant and two others and it was taken on file in Spl.S.C.No.19 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Ramanathapuram. The appellant filed a bail application before the trial Court in Cr.M.P.No.1005 of 2025 and the same was dismissed by order dated 28.11.2025. Challenging the same, this Criminal Appeal has been filed.



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2.The learned counsel for the appellant submits that the defacto complainant / PW1 is a native of Nerinjipatti village of Kamuthi Taluk. She is married and living separately with her parents. PW2 / PW1's sister's husband is working as a Police Consatable in Sivagangai Town Police Station. On 29.01.2024, PW1 is said to have travelled in a motor cycle from Kamuthi to Aruppukottai for taking treatment in Jeyanthi Hospital at Aruppukottai. On her way, PW1/defacto complainant has gone to the place of occurrence near Idaichiyurani Vilakku for attending nature's call. At that time A1 and A2 along with this appellant are said to have waylaid her, intimidated and committed rape on her. On the complaint of PW1, a case was registered in Crime No.37 of 2024 on 31.01.2024. The appellant was also arrested and he is in jail from 03.02.2024. According to the learned counsel for the appellant, after completing investigation, a final report was filed. Even as per the prosecution case, this appellant had not committed any offence and he was present and assisted other accused in the commission of offence.

3.The learned counsel for the appellant has relied on the statement of the Doctor and submits that though the victim has projected the case as a gang rape, there was no injury on the victim. According to the learned counsel for the



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appellant, the victim was having illegal relationship with PW2, she has gone to a remote place on the date of occurrence. A1 and A2 are said to have questioned them and therefore, this case was foisted. He further submits that since PW2 is a Police Constable, the respondent police registered the case in a mechanical manner and also filed the final report as if the victim / PW1 was raped by this appellant and by the other accused.

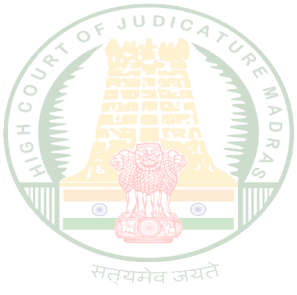
4.The learned counsel appearing for the defacto complainant and the learned Government Advocate appearing for the respondent police submit that on 29.01.2024 ,while the defacto complainant was on her way to hospital, she went to the place of occurrence to attend nature's call and the accused persons surrounded her, committed rape on her and robbed a sum of Rs.3,000/-. Accused No.2 had also taken some videographs and photos, intimidated them not to lodge a complaint. However a complaint was lodged on 31.01.2024, a case was registered and after investigation final report was filed.

5.This court considered the rival submissions made and perused the material placed on record.



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6.PW1/ defacto complainant is a native of Nerinjipatti Village of Kamuthi Taluk, which is 20 kms away from the place of occurrence. PW1 went to the place of occurrence for attending nature's call on her way to hospital at Aruppukottai. PW1 was accompanied by PW2, husband of PW1's sister. PW2 is admittedly a Police Constable. The appellant claims that PW2 is working as a Police Constable in Sivagangai Town Police Station and the respondent claims that PW2 is working in Armed Reserve. The fact remains that on a working day PW2 went to the place of occurrence along with PW1. The respondent police have not ascertained as to how PW2 accompanied PW1 to the place of occurrence. Though the case is projected as a gang rape, according to the Doctor's evidence, the victim / PW1 has not sustained any injury. This court has also perused the statement of the Doctor, who examined the victim. The prosecution has projected this as a case of gang rape, whereas PW2 a Police Constable is said to have accompanied PW1 at the time of occurrence. However the complaint has been lodged after two days. The appellant and other accused are strangers to PW1 and PW2 and they may not be aware of the caste name of the PW1 and PW2. However, the case has been registered for the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, also.



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7. Considering the manner in which the investigation has been conducted by the investigating officer, the period of incarceration and the materials as against this appellant, this court is inclined to set aside the order passed by the trial court. Accordingly, this appeal is allowed and the impugned order is set aside, with the following conditions:

(i) The appellant is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Fifty Thousand) with two sureties each for a like sum, to the satisfaction of the Special Court for Trial of SC/ST (POA) Act Cases, Ramanathapuram.

(ii) The appellant shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further offence.

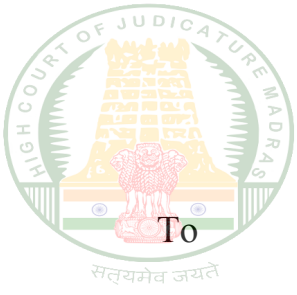
(iii) The appellant shall stay at Villuppuram and report before the Villuppuram Taluk Police Station daily at 10.30 am.

(iv) If the appellant violates any of the conditions, the respondent police shall move an application to cancel the order granting bail to the appellant.

16.03.2026

DSK

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- 1.The Deputy Superintendent of Police,  
Kamuthi Sub Division,  
Ramanathapuram District.
- 2.The Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District.
- 3.The Special Court for  
Trial of Cases under SC/ST (POA) Act,  
Ramanathapuram.
- 4.The Superintendent,  
District Prison,  
Ramanathapuram.

Copy To

- 1.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 2.The Station House Officer,  
Villuppuram Taluk Police Station,  
Villuppuram



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**B.PUGALENDHI, J.,**

DSK

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