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CrI.A.No.511 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.A.No.511 of 2026

Pragalathan.K

...Appellant

Vs.

1. State rep. by,
The Deputy Superintendent of Police,
Virudhachalam,
Cuddalore District.

2. The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
(Crime No.27 of 2026)

3. Mahalashmi

...Respondents

Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, seeking to set aside the order dated 06.04.2026 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore in CrI.M.P.No.48 of 2026 and to enlarge the appellant/petitioner on bail pertaining to the Crime No.27 of 2026 on the file of the 2nd respondent.

For Appellant : Mr.K.M.Subrahmaniam

For Respondents : Ms.J.R.Archana, GA(CrI. Side), for R1 & R2
: Mr.R.Parthiban, for R3



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ORDER

This criminal appeal has been filed seeking quashment of the order dated 06.04.2026 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore, in Crl.M.P.No.48 of 2026, dismissing the petition filed by the appellant seeking bail in Crime No.27 of 2026.

2. The brief facts are as follows:

2.1 The case of the prosecution as per the 3rd respondent/*de facto* complainant is that she belongs to the Most Backward Community and she married one Pazhanisamy, who belongs to a different community and that they were blessed with a male child. Subsequent to the marriage, the family members of her husband abused the *de facto* complainant and her husband in filthy language, including caste-based slurs and assaulted the *de facto* complainant's husband. Aggrieved by the same, the *de facto* complainant's husband consumed poison in the SC/ST Court premises, filed a petition and was later taken to the hospital. Despite the treatment given to him, the *de facto* complainant's husband passed away.

2.2 Based on the complaint lodged by the 3rd respondent/*de facto* complainant, a case in Crime No.27 of 2026 came to be registered

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on the file of the respondent police for the offences under Sections 296(b), 115(2), 351(2) & 108 of BNS r/w. Sections 3(1)(r) & 3(1)(s) of SC/ST (PoA) Act as against the appellant and other accused persons.

2.3 The appellant filed a bail petition in Crl.M.P.No.48 of 2026. However, the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore, vide order dated 06.04.2026, dismissed the said bail petition. Challenging the same, the appellant has come up with the present appeal.

3. Learned counsel for the appellant made the following submissions:

3.1 The appellant/A4 is innocent and he has been falsely implicated in this case and pursuant to the above false and exaggerated complaint made by the 3rd respondent, the appellant was arrested and remanded to judicial custody.

3.2 The 3rd respondent/de facto complainant is the one who instigated the deceased into the marriage and subsequently, owing to matrimonial disputes, she lodged a false and exaggerated complaint against him and subjected him to continuous mental harassment, which drove the deceased to consume poison and ultimately led to his death.

However, by deliberately distorting the facts, the de facto complainant



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made the above false complaint alleging that the appellant and other accused persons assaulted the deceased. However, without considering any of the above said facts, the learned Sessions Judge, dismissed the bail petition filed by the appellant, vide impugned order, which is wholly unsustainable. Hence, the impugned dismissal order may be set aside and the appellant may be enlarged on bail.

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4. Per contra, the learned Government Advocate (Criminal Side) appearing for 1st and 2nd respondents, reiterated the prosecution case and submitted that the allegations made in the complaint clearly disclose the involvement of the appellant and other accused persons in the commission of the offences. She further submitted that considering the gravity of the offence and the specific overt acts attributed to the accused, the learned Sessions Judge has rightly dismissed the bail petition and the same does not warrant any interference by this Court.

5. Learned counsel appearing for the 3rd respondent/de facto complainant, while reiterating the submissions made by the learned Government Advocate (Criminal Side) appearing for 1st and 2nd respondents, vehemently opposed for allowing this appeal.



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6. Having heard the learned counsel on either side and upon perusal of the materials available on record and also taking note of the period of incarceration undergone by the appellant, this Court is inclined to set aside the impugned dismissal order dated 06.04.2026.

7. Accordingly, the impugned order dated 06.04.2026 passed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Cuddalore, in Crl.M.P.No.48 of 2026 is set aside and the appellant is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** 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, Cuddalore,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the appellant shall appear before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the appellant shall not abscond either during investigation or trial;



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[d] the appellant shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

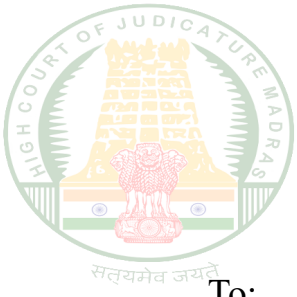
[f] If the appellant thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

8. With the above directions, this criminal appeal stands allowed.

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skt

NCC : Yes/No



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To:
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1. The Sessions Judge,
Special Court for trial of cases under SC/ST (PoA) Act,
Cuddalore.
2. The Superintendent,
Central Prison,
Cuddalore.
3. The Deputy Superintendent of Police,
Virudhachalam,
Cuddalore District.
4. The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
5. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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