

(2025) 12 MAD CK 1931
In the Madras High Court
Case No : Criminal Appeal No. 1904 Of 2025

Manoharan

APPELLANT

Vs

State And Others

RESPONDENT

Date of Decision : 18-12-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 69, 296(b), 318(2), 351(3)
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(a), 3(1)(w)(i), 3(2)(va)
Code Of Criminal Procedure, 1973 — Section 317

Citation : (2025) 12 MAD CK 1931

Hon'ble Judges : Sunder Mohan, J

Bench : Single Bench

Advocate : T.Muruganantham, S.Balaji, W.Camyles Gandhi

Judgement

Sunder Mohan, J

1. The present appeal has been filed challenging the dismissal of the appellant's bail application in CrI.M.P.No.73 of 2025 dated 21.11.2025 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvavur.
2. The appellant was arrested on 27.09.2025 for the alleged offences under Sections 296(b), 318(2), 69 and 351(3) of BNS Act, read with Sections 3(1)(w)(i), 3(1)(a) and 3(2)(va) of the SC/ST (PoA) Act, in Crime No.35 of 2025 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvavur.
3. The allegation against the appellant is that he had a love affair with the third respondent/ defacto complainant; that on the promise of marriage he had sexual intercourse with her on several occasions; and that when she requested him to marry her, he humiliated her on account of her caste, abused her in filthy language, and refused to marry her. Hence, the case.

4. The appellant filed a bail application before the Special Court, which came to be dismissed on 21.11.2025. Aggrieved by the said order, the present appeal has been preferred.

5. Mr.T.Muruganantham, learned counsel for the appellant, would submit that, admittedly, it is a case of love affair; that the allegations do not attract the offences mentioned in the FIR; that the appellant has been in custody since 27.09.2025; and that the respondent/ police have already filed the final report on 27.11.2025 and hence, further custody of the appellant is not required for the purpose of investigation.

6. Mr.S.Balaji, learned Government Advocate (Crl.Side) confirms the fact that the final report has been filed on 27.11.2025 before the Trial Court.

7. Mr.W.Camyles Gandhi, learned counsel for the third respondent/ defacto complainant vehemently opposed the grant of bail, stating that the appellant had not only committed the act of cheating but had also humiliated the third respondent on account of her caste, and therefore the instant appeal is liable to be dismissed.

8. Admittedly, the appellant and the defacto complainant had a love affair and had consensual relationship from the year 2021. The appellant has been in custody since 27.09.2025, and the final report has been filed on 27.11.2025. In such circumstances, this Court is of the view that further custody of the appellant is not required for the purpose of investigation. Consequently, the impugned order dated 21.11.2025 in Crl.M.P.No.73 of 2025 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvavarur, is set aside and this Court is inclined to release the appellant on bail on the following conditions:-

(i) The appellant/accused is ordered to be released on bail, on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the learned Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Thiruvavarur;

(ii) The appellant/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and

(iii) The appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.