

(2025) 12 MAD CK 0030

Madras HC

Case No: Criminal Appeal (MD) No. 1201 Of 2025

Saravanan

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

Date of Decision: Dec. 3, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Bharatiya Nyaya Sanhita, 2023-Section 49, 103(1), 296(b)
- Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Amendment Act, 2015-Section 3(1)(r), 3(l)(s), 3(2)(v)

Hon'ble Judges: K.Murali Shankar, J

Bench: Single Bench

Advocate: N.Anantha Padmanabhan, B.Thanga, B.Mohan

Final Decision: Dismissed

Judgement

K.Murali Shankar, J

1. The Criminal Appeal is directed against the order made in CrI.M.P.No.483 of 2025 dated 29.10.2025 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli, in dismissing the petition for bail filed under Section 483 B.N.S.S.

2. The case of the prosecution is that the second respondent / defacto complainant belongs to Hindu Devendra Kula Vellalar community, that the second respondent had two sons Kavin Selvaganesh and Pravin Selkar, that the said Kavin Selvaganesh, after completing B.E., was working in TCS IT, Duraipakkam, Chennai, that the appellant / second accused's daughter Subashini is working as a therapist at Vedha Clinic, Palayamkottai, that the said Subashini and Kavin Selvaganesh are friends from school days, that the appellant belongs to Hindu Maravar community, that since the second respondent's father Muthumalai had fallen down and was taking treatment at Edison Hospital, Tiruchendur, the second respondent, her brother and her two sons visited the said Subashini for consulting her about the treatment required to be given, that all of

them went to meet the said Subashini on 27.07.2025 at about 02.30 p.m. and when they were consulting with the said Subashini, the said Subashini's brother Surjith (first accused) came there and asked the said Kavin Selvaganesh to accompany him in his motorcycle as his parents wanted to meet him and hence, both of them left the clinic, that after some time, the second respondent along with her other son and brother while proceeding near Ashtalakshmi Nagar 1st Street, they found the said Kavin Selvaganesh and the first accused were standing at Mangammal Salai, KTC Nagar and stopped their vehicle, that when the second respondent and others were proceeding towards the said Kavin Selvaganesh, the first accused abused in filthy language using caste name, took a sickle from his back and gave a blow aiming at his head, which was shielded by the said Kavin Selvaganesh with his hand and started to run but the first accused followed him and gave indiscriminate blows on the body of the said Kavin Selvaganesh and after quenching his anger, shouted at the second respondent to take the body of her son and that the first accused killed the second respondent's son brutally.

3. On the basis of the complaint lodged by the second respondent, FIR came to be registered in Crime No.396 of 2025 on the file of Palayamkottai Police Station against three persons including the appellant herein under Sections 296(b), 103(1) and 49 BNS r/w Sections 3(l)(r), 3(l)(s) and 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and subsequently, as per the directions of the Director General of Police dated 30.07.2025, the case was transferred to the CBCID - South, Tirunelveli and FIR came to be registered in Crime No.1 of 2025 on 31.07.2025 for the offences under Sections 296(b), 103(1) and 49 BNS r/w Sections 3(l)(r), 3(l)(s) and 3(2)(v) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

4. It is not in dispute that the first respondent police, after completing the investigation, filed a final report against four persons including the appellant herein and the same was taken on file in S.C.No. 120 of 2025 on the file of the II Additional District and Sessions Court (PCR), Tirunelveli. It is also not in dispute that the appellant is the father, the third accused is the mother and the fourth accused is the relative of the first accused. It is also not in dispute that the appellant and the third accused are working as Sub Inspector of Police and that the third accused is still absconding.

5. It is evident from the records that the appellant moved a petition for bail under Section 483 BNSS in CrI.M.P.No.483 of 2025 before the II Additional District and Sessions Court (PCR), Tirunelveli and the learned Sessions Judge, after enquiry, passed the impugned order dated 29.10.2025 dismissing the bail petition. Aggrieved by the order of dismissal, the present appeal came to be filed.

6. The learned Senior Counsel appearing for the appellant would submit that the appellant is innocent and he did not even have any clue about the meeting of Subashini with the deceased and his family members, that the appellant was on duty as Special Sub Inspector in the Special Battalion at Rajapalayam on 27.07.2025 and until the news came in TV, he was not aware of what happened, that simply because it happens to be an occurrence arises on account of acquaintance between two persons belonging to two different communities, the appellant has

been roped in to satisfy the leaders of the victim's community, that there is absolutely no material available to connect the appellant with the alleged occurrence, that there is no specific overt act against the appellant and that the appellant has been falsely implicated in the above case.

7. The learned Senior Counsel appearing for the appellant would further submit that the appellant has never been involved in any case and there are no adverse records, that the appellant was arrested on 30.07.2025 and is in judicial custody for the past more than 100 days and that the appellant undertakes to abide any and all conditions that may be imposed.

8. The second respondent / defacto complainant filed a counter affidavit raising serious objections stating that it is a honour killing, that the investigation of the first respondent police would reveal the role played by the appellant before and after the occurrence, that the averments raised by the appellant are false and untenable, that the investigation conducted by the first respondent police is improper and is made with intention to save the appellant and other accused and hence, the second respondent has decided to move an application for further investigation, that the period of incarceration of the appellant is not material as the second respondent and her family members are being subjected to threat and their family members are given police protection as of now and that therefore, the criminal appeal is liable to be dismissed.

9. The learned counsel appearing for the second respondent would submit that the deceased and the appellant's daughter Subashini were on love and the same was known to the parents of the first accused two years prior to the occurrence, that the appellant and the third accused (parents of the first accused) had active role in the commission of offence, that the appellant was present at the occurrence place and time, that there is evidence to show that the appellant had instructed the first accused to delete phone contacts and change his shirt on the date of occurrence, that the appellant attempted to erase the witnesses and he influenced the police to suit his convenience in the investigation process, that the deceased suffered 19 cut injuries on his body and that since it is a brutal murder and honor killing, the appellant is not entitled to be released on bail.

10. The learned counsel appearing for the second respondent would further submit that investigation conducted by the first respondent police is not proper and is not in accordance with law, that they have been conducting investigation with an intention to save the appellant and other accused, that the second respondent has decided to file an application for further investigation and that if the appellant is granted bail, he will definitely threaten the witnesses and tamper the evidence.

11. The learned Government Advocate (Criminal Side) appearing for the first respondent police would submit that the contention of the appellant that he was on duty on 27.07.2025 in the Special Battalion at Rajapalayam is found to be false, that the appellant was on holiday permission and he was very much available at the occurrence place, that the first respondent police, after conducting investigation in a fair and proper manner, filed the final report before the jurisdictional Court, that since it is a case of honor killing and if the appellant is released on bail, he will threaten the witnesses, the learned Sessions Judge has rightly dismissed the bail petition and that therefore, the appeal is liable to be dismissed.

12. According to the learned Senior Counsel appearing for the appellant, the third accused moved a petition before this Court seeking directions for surrender and for granting of bail. The fact remains, the third accused, who is a Sub Inspector of Police, is still absconding.

13. The learned counsel appearing for the second respondent would submit that though the Inspector of Police of the jurisdictional police station went to the occurrence place immediately after the incident, he has not chosen to set the law in motion and though he attended a call received in the deceased's cell phone, he directed the police to place the cell phone in the pocket of the deceased, that the third accused, who is a police officer, is still absconding and the first respondent police has not taken any serious efforts to secure her despite the lapse of more than four months, that the first respondent police has not made any investigation with respect to the conspiracy angle, that the first respondent police has not concluded the investigation properly, that releasing the appellant, who is a police official, will not be in the interest of further investigation and that there is every possibility for the appellant hampering the further investigation and tampering the witnesses and he would rely on the observations of the Hon'ble Supreme Court in *Hariram Bhambhi Vs. Satyanarayan* and another reported in CDJ 2021 SC 864,

“12. Investigations in India are the exclusive domain of the police, where victims are often relegated to the role of being a spectator in the criminal justice system. Victims of crime often face significant hurdles during investigation and prosecution. Scheduled Castes and Scheduled Tribes specifically suffer on account of procedural lapses in the criminal justice system. They face insurmountable hurdles in accessing justice from the stage of filing the complaint to the conclusion of the trial. Due to the fear of retribution from members of upper caste groups, ignorance or police apathy, many victims do not register complaints in the first place. If victims or their relatives muster up the courage to approach the police, the police officials are reluctant to register complaints or do not record allegations accurately. Eventually, if the case does get registered, the victims and witnesses are vulnerable to intimidation, violence and social and economic boycott. (C Prabhu, Protecting the Rights of Victims and Witnesses in Caste-Based Atrocities, Centre for Law and Policy Research Blog, available at <https://clpr.org.in/blog/protecting-the-rights-of-victims-witnesses-in-caste-based-atrocities/> (15 September 2020), last accessed on 27 October 2021). Further, many perpetrators of caste-based atrocities get away scot-free due to shoddy investigations and the negligence of prosecuting advocates. (Subhradipta Sarkar, The Quest for Victims’ Justice in India, Human Rights Brief 17(2) (2010), p.16-20.) This results in low conviction rates under the SC/ST Act giving rise to the erroneous perception that cases registered under the Act are false and that it is being misused. On the contrary, the reality is that many acquittals are a result of improper investigation and prosecution of crime, leading to insufficient evidence. This is evident from the low percentage of cases attracting the application of the provisions of the Penal Code relating to false complaints as compared to the rate of acquittals. (Sthabir Khora, Misconstruction of the Anti-atrocities Act’s Misuse, Economic and Political Weekly 53 (15) (14 April 2018)). ”

14. It is the specific case of the prosecution that the deceased and the appellant's daughter were school friends and lovers for some years prior to the occurrence. As rightly pointed out by the

learned Government Advocate (Criminal Side), the appellant's daughter Subashini in her statement would admit her love affairs with the deceased. According to the prosecution as well as the second respondent, it is a clear case of honour killing.

15. As rightly pointed out by the learned counsel appearing for the second respondent, Head Constable Dinakaran Suresh Durairaj in his statement before the first respondent police has specifically stated that the appellant was available at the occurrence place.

16. The mere filing of a charge sheet and taking cognizance of the case are not sufficient grounds for granting bail to the accused in such a brutal murder case.

17. Honour killing continues to plague Indian society despite constitutional guarantees of personal liberty and freedom of marriage. When a boy and girl loves each other and marry against family or societal wishes, it sometimes leads to lethal violence by family members or relatives in the name of "honour" and it poses a serious challenge to law and justice. The Hon'ble Supreme Court in catena of decisions has described honour killings as the "most drastic and draconian act". Honour killing is an outrage on humanity and the "most dishonorable act known", emphasizing that personal freedoms cannot be curtailed by regressive social norms. In S.Yuvaraj Vs. State's case, where, he allegedly murdered a 21 years old Dalit boy for speaking to an upper caste girl, the order granting bail to the accused by the High Court was challenged, three-judges Bench of the Hon'ble Supreme Court has specifically held that the basic rule "bail not jail, does not apply to heinous honour killing crimes and in such case, it should be "jail and jail" and reversed the decision of the High Court granting him bail. The Hon'ble Supreme Court has again and again reiterated that honour killing is a "blight on Indian society" emphasizing that the accused involved in such cases are generally not entitled to bail and these crimes should be viewed with extreme severity due to their premeditated nature, the violation of fundamental constitutional rights and the intent to enforce regressive social norms. Honour killing remains a serious issue in Indian society, prompting ongoing judicial concern and reform, Courts uphold constitutional liberties, applying strict scrutiny to ensure justice. In grave offences like honour killing, bail is a carefully guarded exception, balancing liberty with justice and societal order. Judicial vigilance and societal awareness are crucial in eradicating the heinous crime.

18. Considering the above facts and circumstances, gravity of the charges levelled and the role played by the appellant as stated by the prosecution and taking note of the serious objections raised by the second respondent's side, this Court is not inclined to grant bail to the appellant and hence, the impugned order dismissing the bail plea is perfectly in order and the same cannot be found fault with. Consequently, this Court concludes that the criminal appeal is devoid of merits and the same is liable to be dismissed.

19. In the result, this Criminal Appeal is dismissed.