

**Crl.A(MD)No.601 of 2026**

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**DATED : 31.08.2026**

**CORAM:**

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

**Crl.A(MD)No.601 of 2026**

**Ganesh Pandy**

**... Appellant /  
Accused No.11**

**Vs.**

**1.The State of Tamil Nadu,  
rep by the Deputy Superintendent of Police,  
Nanguneri Division,  
Nanguneri Police Station,  
Tirunelveli District.  
[Crime No.143 of 2026]**

**2.Prapakaran**

**... Respondents**

**Prayer: Appeal filed under Section 14 -A(2) of the SC/ST Act to set aside the order of dismissal of bail application through the order dated 18.05.2026 made in CrlMP(MD)No.279 of 2026 in Crime No.143 of 2026 on the file of the II Additional Sessions Judge, Tirunelveli.**

**For Appellant : Mr.R.Jagadesswaran**

**For Respondent : Mr.V.Shathurthiraja**

**No.1 Government Advocate**

**For Respondent : Mr.G.Aravindhan**

**No.2 Aran Legal Consultancy**



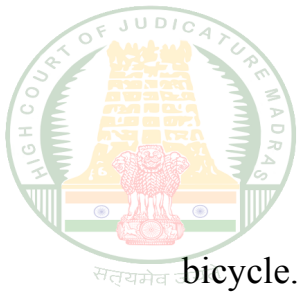
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**ORDER**

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The appellant is accused No.11 and he has been arrested by the respondent police on 15.03.2026 in Crime No.143 of 2026 registered for the offences under Section 191(2), 191(3), 296(b), 118(1), 109(1), 103(1) of BNS, Section 25(1A) of Arms Act and Section 3 of Explosive Substances Act, 1908 @ Section 61(2), 191(2), 191(3), 296(b), 118(1), 109(1), 103(1), 351(3) of BNS, Section 25(1A) of Arms Act and Section 3 of Explosive Substances Act 1908 and Sections 3(1)(r), 3(1)(s), 3(2)(va) SC/ST (POA) Act and he was remanded to judicial custody. The appellant has filed an application before the II Additional Sessions Judge, Tirunelveli in CrMP.No.279 of 2026 seeking bail and the same has been rejected by the trial court by order dated 18.05.2026. As against the same, this appeal has been filed.

2.The case of the prosecution, in brief is that, A1 to A7 have entered Perumpathu village, Nanguneri on 02.03.2026 at 07.00 pm, armed with aruvals and attacked the residents of the village. They have attacked one John Mark, who was standing near a welding shop and also attacked another person / a migrant worker from Odisha, who was travelling on a



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bicycle. Both persons were brutally attacked and they succumbed to their injuries. In furtherance to that, the accused Nos.1 to 7 rushed towards a tea shop and assaulted four other persons indiscriminately and caused grievous injuries. They have also hurled petrol bombs at the villagers. On the complaint of the tea shop owner, the above case in Crime No.143 of 2026 was registered on 03.03.2026 as stated above.

3.The appellant /A11 has been added as accused on 14.03.2026, based on the confession statements of A3 and A4, recorded on 08.03.2026, that he has harboured the accused 1 to 7 and received their mobile phones. The appellant was arrested on 15.03.2026.

4.The learned counsel appearing for the appellant submits that the occurrence had taken place on 02.03.2026 and this appellant was implicated and arrested only on 15.03.2026, based on the confession statements of the co-accused persons. Even as per the confession statements, the appellant was in possession of the mobile phones used by A1 to A7, however, there are no materials collected by the investigating agency as to whether the mobile phones said to have been recovered from



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this appellant were used by A1 to A7, who are said to have involved in the offence on 02.03.2026. With this vague allegation, this appellant has been arrested and he is in jail from 15.03.2026. He further submits that the investigation has been completed and final report has been filed. Even in the final report, there is no other averment as against this appellant, other than the recovery of some mobile phones, which is not connected with other accused persons. Therefore, the learned counsel seeks grant of bail to the appellant.

5.The learned Government Advocate opposed grant of bail to this appellant and submits that this appellant is the main accused, who enabled A1 to A7 to escape from the place of occurrence. The offence committed by the accused persons is heinous and was carried out with communal motive. Therefore, the learned Government Advocate submits that releasing this appellant on bail, would disturb the peace in that area and it would also be threat to the witnesses in this case.

6.He further submits that the mobile phones of A1 to A7 have been recovered from this appellant. Apart from this case, he is involved in 9 other cases, including a case of murder.



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7. Since this is a case involving offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, notice was served to the *defacto* complainant, as required under Section 15A(5) of the SC/ST (POA) Act. The learned counsel appearing for the *defacto* complainant has opposed the grant of bail to the appellant stating that there is a possibility of threatening the witness and tampering the evidence.

8. This Court has considered the rival submissions made and also perused the materials.

9. The nature of offence projected by the prosecution is that A1 to A7 have indiscriminately attacked the villagers of Perumpathu and caused two deaths and grievous injuries to several other villagers. It is also projected that this occurrence had taken place on communal reasons. The timing of the offence is just two weeks prior to the election notification for the assembly elections in this state.



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10.The case was registered by the Inspector of Police, Nanguneri Police Station on 03.03.2026 in Crime No.143 of 2026 for the offences under Sections 191(2), 191(3), 296(b), 118(1), 109(1), 103(1) of BNS, Section 25(1A) of Arms Act 1959 and Section 3 of Explosive Substances Act 1908. During the course of investigation, by way of alteration report, the offence under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act were added on 14.03.2026. Thereafter, this appellant was arrested on 15.03.2026, as if he has helped the other accused, by safeguarding their mobile phones.

11.The learned counsel appearing for the appellant submits that there is no nexus between this appellant and the other accused and even the alleged mobile phones said to have been recovered from this appellant is not connected with the other accused persons. However, in order to detain this appellant during the election and also to project this case as that of a communal clash, the case has been altered and this appellant was arrested.



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12.This court has verified with the learned Government Advocate as to the motive for the occurrence. The learned Government Advocate, by referring to the case files, submits that there was a murder in the year 2022 and this offence has been committed as retaliation for the same, after a period of four years. He also submits that a flex banner was installed during a marriage function of one Esakkiraj on 08.02.2026, at Perumpathu and photos of the same were posted on Instagram. Regarding this Instagram post, some comments were made by A8 and there was a dispute between A8 and some persons belonging to Perumpathu village. Therefore, according to him, this flex banner was also one of the reasons for the commission of offence.

13.In this regard, the learned Government Advocate has also relied on the statement of one Esakkiraj and also one Muthu and Selvin, that one month prior to the occurrence, a flex banner has been fixed during the marriage function of Esakkiraj, displaying their community leader's picture and there was a dispute regarding the same.



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14.This court is unable to understand the motive attributed by the respondent police for the occurrence took place on 02.03.2026, in which seven persons armed with aruvals, indiscriminately attacked the villagers, who were standing near a tea shop and a welding shop. From the case of the prosecution, it appears that the relatives of one Esakkiraj have put up some flex banner, for his marriage, by printing the photo of a community leader. For the same, the accused persons have randomly attacked several villagers and also a migrant worker, who are in no way connected with the aforesaid flex banner. It is not known as to why the accused persons would randomly engage in such violence and also attack a migrant labour, who are not connected with the above incidents.

15.As noted above, one of the deceased persons in this case is a migrant worker from Odisha, who was working in a brick kiln in Perumpathu village. The timing of the occurrence is also to be noted, which is just two weeks prior to the election notification for the assembly elections. In fact, this incident was projected as an election issue as if there is no law and order in the State. Apart from that, this incident would certainly have caused some deterrence to the migrant workers in the State.



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Therefore, this court expected that a proper investigation ought to have been conducted in this case. However, the theory projected by the investigating officer is far fetched and illogical. There are two motives which have been projected for the occurrence, one is that for a murder, which took place in the year 2022, this attack was carried out four years later, as retaliation and the second motive is that the attack was carried out due to a dispute, regarding a flex banner in an Instagram post. However, the deceased persons and injured persons are in no way associated with these incidents. Therefore, in order to ascertain the manner in which the investigation has been carried out and also verify the materials collected by the investigating agency, to arrive at a just conclusion, this court has called for the case diary. On verification of the case diary, this Court has identified the following defects in the investigation:

(i) The case was registered by the Inspector of Police, Nanguneri PS and he has conducted preliminary investigation from 02.03.2026 to 07.03.2026. Considering the grave nature of the crime, the Superintendent of Police, by his order dated 07.03.2026, entrusted the investigation in Crime No.143 of 2026 to the 1<sup>st</sup> respondent Deputy Superintendent of



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Police, Nanguneri Division. The occurrence had taken place in front of the *defacto* complainant's tea shop. The *defacto* complainant and several other persons were examined as eye witnesses to the occurrence, apart from few other witnesses. All the eye witnesses in their statements before the Inspector of Police have uniformly stated that the accused persons from Manjankulam village, have committed the offence. In their initial statements, they did not attribute any motive for the occurrence. However, the very same witnesses, when again examined by the DSP have uniformly stated that the accused Nos.1 to 7 belong to a particular community and that the occurrence had taken place on communal reasons, in order to deter another community. In the statements recorded on 08.03.2026 before the DSP, the murder said to have taken place in the year 2022, has been introduced as a motive for the occurrence. Further, the dispute regarding the installation of flex banner, is also added as a motive to give communal colour to the occurrence. This is reflected from the statements of the *defacto* complainant Prabhakaran, Ramasamy, Chandiran, Soranraj and Alvin, which were recorded by the 1<sup>st</sup> respondent DSP.



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(ii)The investigating officer did not ascertain the nexus between all those previous incidents and the injured persons and the deceased persons. Instead, she has simply proceeded with the statements recorded by her on 08.03.2026 and altered the offence on 14.03.2026, by inserting the provisions under the SC/ST(POA) Act.

(iii)The Deputy Superintendent of Police has arrested this appellant on 15.03.2026 at Tirunelveli New Bus Stand and has recovered 5 mobile phones from the appellant. He has been remanded to judicial custody that he was in possession of mobile phones of accused Nos.1 to 7. The investigating officer has not ascertained the connection of these mobile phones with any particular accused. Instead, the appellant has been added as an accused, that he was in possession of mobile phones belong to A1 to A7. When 7 persons are said to be the main accused, who have committed the offence in the place of occurrence, without even finding out which mobile phone belongs to which accused, casual statements have been recorded from the co-accused and based on that, the appellant has been arrested.



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(iv) The accused are alleged to have met the appellant at Sivakasi. The occurrence had taken place at Nanguneri Division, which is more than 100 kilometres away. However, the DSP has not collected any materials such as call details records, connecting this appellant with any of other accused persons.

(v)The case of the prosecution is that the accused persons have formed an Instagram group by the name of “Thayanoor Warriors” and planned for offence using this group and chats. Even though the mobile phones of the accused persons were recovered, the Instagram group and chats of the accused persons, have not been recovered by the investigating agency. Without recovering the same, the final report has been filed, that the messages, chats and CDR records, would be recovered later and thereafter, supplementary final report would be filed.

(vi)The provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 have been invoked in a mechanical manner by the investigating officer and the investigation has been conducted as if the occurrence took place on communal grounds.



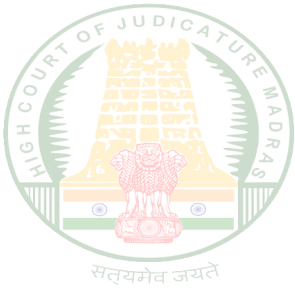
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Even as per the statements of the eyewitnesses, the accused nos.1 to 7 made general threats as against the whole village and its residents. However, the provisions under Sections 3(1)(r) and 3(1)(s), which relate to the intentional insult or abuse of members of the Scheduled Castes or Tribes in public view, has been added in this case. Further, without even ascertaining the community of the deceased person, the case has been altered under Section 3(2)(va) of the SC/ST (POA) Act, on 14.03.2026. However, on the legal opinion of the Deputy Director of Prosecution, Tirunelveli region, the provisions under the SC/ST(POA) Act have been deleted. Though it is only an opinion and inter-departmental communication, this court is of the view that it is relevant to extract the opinion of the Deputy Director of Prosecution, Tirunelveli Region, to disclose the manner in which the investigation has been conducted in this case:

*“Explosive Substances Act:-*

*The Penal Provision invoked in this case is section 3(a) of Explosive Substances Act, but Investigation do not reveal any explosion. Evidence collected at the scene of occurrence is broken bottle, there is no whisper about ignition of fire or remnants of any materials or residue of explosion, Molotov cocktail is an incendiary explosive. But unless any explosion this penal provision cannot be invoked.*



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Scheduled Caste/ Scheduled Tribe (Prevention of

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*It is ascertained that during investigation one of the deceased belong to scheduled caste, hence SC/ST(POA) Act was invoked. But later it was found that the deceased John was a Christian, hence he becomes a Backward Caste, hence SC/ST (POA) Act requires to be exonerated. Further there is no mischief caused in the Scene of occurrence to attract Area Mischief.*

This is a case of Double Murder

*One John belong to the hamlet Indira Colony of Perumpathu and Trinath Kata hail from State of Orissa.*

*Further 4 persons were Injured and they all sustained Grievous Hurt.*

*You need to collect wound certificate for all these accused, how they are Grievous.*

*For Example*

*Prabhakaran- has Injury on parietal region of head but no description- how the Injury is Grievous.*

- You need to understand unless Doctor opines in accordance with 116 BNS- it cannot be construed as Grievous Hurt.*
- All the injuries to head or face need to be called as Disfiguration of head or face.*
- Occurrence had taken place at night and Accused Register reveals 6 unknown person in one, and in all the other unknown persons without number, these lacuna should be justified in their 181 BNS Statements.*



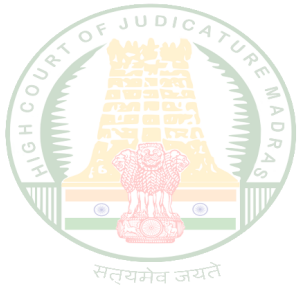
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- *If there is enmity between 2 groups on the basis of caste or communal issue you can invoke penal provision for that too.*
- *Motive for the occurrence need to be properly proved through witnesses.*
- *Conspiracy should be proved through witnesses.*
- *If CCTV Camera at the Scene of occurrence need to be collected.*
- *Causing Disappearance of evidence need to be proved cogently.*
- *You should establish the presence of prime accused at the Scene of occurrence through proper statement without shattering of their number.*
- *Previous murder case FIR and charge sheet should be enclosed in the case diary as list of Document.*
- *Prepare Model list of witnesses and list of Documents to be submitted along with final report.”*

(vii)Based on the opinion of the Deputy Director of Prosecution, Tirunelveli Region, the offences under the Arms Act 1959, Explosive Substances Act 1908 and the SC/ST(POA) Act were deleted on 30.05.2026 and the final report has been filed for the offences under Sections 61(2), 191(2), 191(3), 296(b), 118(1), 118(2), 109(1), 103(1), 103(2), 238, 351(3) of BNS.



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(viii) Now in the final report, the investigating officer has taken a stand that the accused persons, attacked the deceased and the witnesses, under the impression that they belonged to scheduled caste.

(ix) No doubt, Section 3 of the Explosive Substances Act 1908 is not relevant in the present case, as this provision punishes causing an explosion likely to endanger life or property. Admittedly, in the present case, there was no explosion and this provision cannot be invoked. However, the attempt to hurl petrol bombs at the villagers is stated by the witness in their statements and the bottle used for the same was also recovered. Therefore, in all fairness, the investigating agency ought to have invoked Section 4 of the Explosive Substances Act 1908, which makes it an offence to “attempt to cause an explosion, or for making or keeping explosive with intent to endanger life or property”. In this case, the attempt to cause an explosion is available from the witness statements and also the bottle recovered from the place of occurrence.

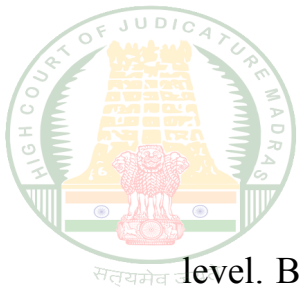


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16. In my experience, I have not come across such a heinous occurrence. Two innocent persons have been done to death and one of them is a migrant worker from Odisha and four others have been brutally attacked, resulting in grievous injuries. Since the occurrence had taken place just prior to the notification for the assembly elections in Tamil Nadu, this incident was projected throughout the State as if there was no law and order in the State. In such a sensitive case, the investigation has been conducted in a casual manner, without even finding out the real cause for the incident. From the materials collected by the investigating agency, I could not find out the real reason for the incident and even the reasons projected by the investigating agency, are illogical and not supported by any materials.

17. There is a hierarchy in the police administration from the Deputy Superintendent of Police to the Director General of Police. The Superintendent of Police in the district level is expected to monitor the manner in which the investigations are carried out by the Station House Officers. I am not aware of the duties and responsibilities of the Deputy Inspector General of Police and Inspector General of Police in the zonal



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level. But I presume that they are also expected to monitor the functioning of their subordinates. The timing of the occurrence reflects on the law and order issue in the State. At least in these types of cases, proper monitoring of the investigation is expected from the higher officials. The Superintendent of Police, in fact, has entrusted the investigation to the 1<sup>st</sup> respondent Deputy Superintendent of Police, Nanguneri Division, by order dated 07.03.2026 and the investigation was carried out by the 1<sup>st</sup> respondent DSP. After entrusting the investigation, it appears the Superintendent of Police has not looked into the manner in which the investigation has been progressed and the final report which has been filed. At least in these types of heinous offences, some indulgence must be shown by the DIG and the IG. However, it appears that they also have not looked into the manner in which the investigation has been conducted. It is the Deputy Director of Prosecution, Tirunelveli region, who pointed out the defects in the investigation and that the materials collected by the investigating officer was not sufficient to attract the offences under Sections 25(1A) of Arms Act 1959, Section 3 of Explosive Substances Act 1908 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) SC/ST (POA) Act. Therefore, they have filed the final report deleting the same.



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18.The investigation in this case was conducted by the Inspector of Police, Nanguneri PS from 03.03.2026 to 07.03.2026 in a particular direction, thereafter, it has taken a turn towards communal clash aspect from 07.03.2026. Finally, a U-turn has been taken on 30.05.2026, by filing an alteration report and the final report has been filed for the offences under Sections 61(2), 191(2), 191(3), 296(b), 118(1), 118(2), 109(1), 103(1), 103(2), 238, 351(3) of BNS, by deleting the offences under Sections 25(1A) of Arms Act 1959, Section 3 of Explosive Substances Act 1908 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) SC/ST (POA) Act.

19.This occurrence reflects upon the State's law and order situation. The materials collected by the investigating agency are not sufficient to make out the case as against this appellant / A11. The investigating agency did not bother to collect the relevant materials as against this accused towards the offence. The investigation is not mere recording of statements and filing the final report in a mechanical manner, but it is a process of finding out the truth and collecting evidence and the same is lacking in this case.



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20.Considering the nature of allegations, materials available as against this appellant and the period of custody, this Court is inclined to grant bail to the appellant, however considering the objection of the learned Government Advocate on his antecedents, the following stringent conditions are imposed:

(i) The appellant is ordered to be enlarged on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh) with two sureties each for a like sum to the satisfaction of the II Additional Sessions Court, Tirunelveli.

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

(iii)The appellant shall stay at Tiruppur report before the Tiruppur Central Police station daily at 10.30am.

(iv)If the appellant changes his residence, the same shall be informed to the respondent police immediately with correct address.

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



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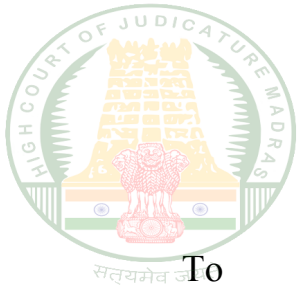
21.In the result, this appeal is allowed and the order passed by the learned II Additional Sessions Judge, Tirunelveli in CrMP.No.279 of 2026, dated 18.05.2026 is set aside.

22.At the same time, this court is of the view that the investigation has not been carried out in a proper manner as referred above and the materials collected by the investigating agency are not sufficient to lay prosecution as against the main accused 1 to 7. Therefore, in the interest of justice, this court directs the Inspector General of Police, South Zone, to look into the manner in which the investigation has been conducted in this case and if the same warrants, a special team shall be constituted to find out the truth in Crime No.143 of 2026, with a direction to the special team to file an application before the trial court for further investigation. The special team shall conduct a proper investigation and find out the real motive behind the occurrence and collect sufficient materials in this regard.

31.08.2026

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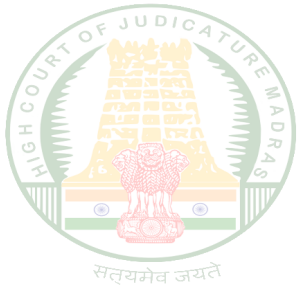


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To

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- 1.II Additional Sessions Judge,  
Tirunelveli.
- 2.The Deputy Superintendent of Police,  
Nanguneri Division,  
Nanguneri Police Station,  
Tirunelveli District.
- 3.The Judicial Magistrate,  
Nanguneri.
- 4.The Inspector General of Police,  
South Zone.
- 5.The Superintendent,  
Central Prison,  
Palayamkottai.
- 7.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 8.The Inspector of Police,  
Tiruppur Central Police Station,  
Tiruppur.



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