

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.A(MD)Nos.69 & 186 of 2026

Chinnadurai

... Appellant in
Crl.A(MD)No.69/2026

Maharaja @ Maharajan

... Appellant in
Crl.A(MD)No.186/2026

Vs

1.State of Tamil Nadu,
Rep. by its
Deputy Superintendent of Police,
Melur Sub Division,
Madurai District.

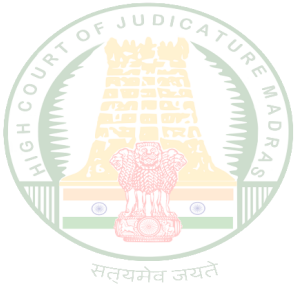
2.The Inspector of Police,
Melur Police Station,
Madurai District.
Cr.No.560 of 2025

3.Muthuraja

... Respondents 1 to 3 in both Appeals

4.P.Alagan,
Special Public Prosecutor,
III Additional District and Sessions Court (PCR),
Madurai.

... 4th Respondent in
Crl.A(MD)No.69/2026[R.4 *suo-motu* impleaded vide order dated 10.06.2026]



COMMON PRAYER:- To call for the records of the judgment dated 02.01.2026 and 07.01.2026 in Crl.MP.Nos.414 of 2025 and 5 of 2026, respectively, on the file of the learned III Additional District and Sessions Judge, PCR Court, Madurai and quash the same.

For Appellants : Mr.P.Pethu Rajesh
in Crl.A(MD).69/2026

: Mr.P.Senguttu Arasan
in Crl.A(MD).186/2026

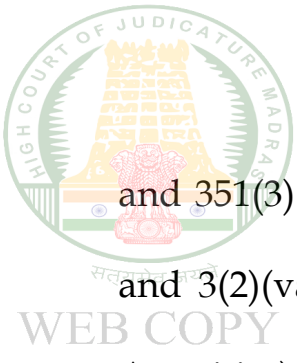
For Respondents: Mr.A.Robinson
Government Advocate (Crl.Side)
for R.1, R.2 in both Appeals

: Ms.M.Sudha Rani
Legal Aid Counsel for R.3
in both Appeals

: Ms.N.Juliet Latha
for R.4 in Crl.A(MD).69/2026

COMMON ORDER

The appellants are Accused Nos.3 and 4 in Crime No.560 of 2025 on the file of Melur Police Station, Madurai. The case has been registered for the offences punishable under Sections 191(2), 191(3), 49, 296(b), 118(1), 109(1)



and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the basis of a complaint lodged by Muthuraja, the *defacto* complainant. The bail applications filed by the appellants were dismissed by the learned III Additional District and Sessions Judge (PCR), Madurai, by orders dated 07.01.2026 (A3) and 02.01.2026 (A4). Aggrieved by the same, the present criminal appeals have been filed.

2.The case of the prosecution is that the *defacto* complainant, who belongs to the Scheduled Caste community and is working as an excavator operator, had been raising the issue relating to the restoration of about 190.74 acres of Panchami lands in Keeranur Village from the year 2024. According to him, the said lands were under the illegal occupation of Accused Nos.6 to 9. He had submitted representations to the authorities and thereafter filed WP(MD)No.32088 of 2025 before this Court seeking resumption and redistribution of the Panchami lands in favour of the Scheduled Caste residents of Keeranur Village. By order dated 12.11.2025, this Court directed the Commissioner of Land Administration and the District Collector, Madurai, to consider his representation in accordance with the relevant Government Orders.



3. According to the prosecution, Accused No.5, Rajendhiran, who was also involved in illegal sand quarrying in the Panchami lands, developed a grudge as against the *defacto* complainant that he had lodged a complaint against him. It is further alleged that certain other persons, including Chellapandi, Ayyankalai, Ravi and Sasi, had also encroached upon the Panchami lands.

4. The prosecution further alleges that on 18.11.2025, Accused No.1 contacted the *defacto* complainant and took him from his workplace on the pretext of cleaning his uncle's land. Instead, he took him near the bridge adjoining the motor pump set at Keeranur Village Lake at about 02.00 pm. After reaching the spot, the accused abused the *defacto* complainant by referring to his caste name, threatened him with dire consequences in connection with the Panchami land dispute and attacked him. Accused No.1 allegedly attempted to assault him with a sickle on his neck. While trying to protect himself, the *defacto* complainant sustained severe injuries, including grievous injuries to his right wrist, left thumb and left palm, besides multiple injuries all over his body. It is further alleged that Accused Nos.2 to 4, who were armed with aruvals, chased and attacked him, causing injuries on his left shoulder, left elbow and wrist. The accused also threatened to kill him if



he continued to assert his rights over the Panchami lands. On the basis of his complaint, the present crime came to be registered.

5.The learned Sessions Judge rejected the bail applications mainly on the ground that the *defacto* complainant had sustained grievous injuries and undergone surgery, that the allegations were serious in nature, that the investigation was still in progress and that there was a possibility of the accused influencing witnesses.

6.The learned Counsel appearing for the appellants submitted that the appellants are innocent and have been falsely implicated merely because they were allegedly present along with Accused Nos.1 and 2 at the time of the occurrence. According to the learned Counsel, the principal overt act is attributed only to Accused No.1, who is presently detained under the Tamil Nadu Prevention of Dangerous Activities Act. It is therefore submitted that, considering the period of incarceration undergone by the appellants, they may be enlarged on bail.

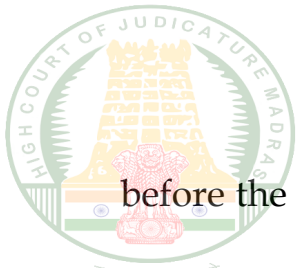
7.The learned Counsel appearing for the appellant in Crl.A.(MD)No.69 of 2026 further submitted that the appellant was working as a driver in



Poovanthi Institute of Rehabilitation and Elder Care and was on duty at the relevant time. According to him, he had taken a patient from the Institute to Meenakshi Mission Hospital in an ambulance and returned to the Institute only at 04.54 pm. It is therefore contended that he could not have been present at the place of occurrence and has been falsely implicated.

8.The learned Government Advocate (Criminal Side) opposed the grant of bail. He submitted that the *defacto* complainant had been pursuing the issue relating to restoration of Panchami lands and had obtained an order from this Court in WP(MD)No.32088 of 2025 on 12.11.2025. The occurrence took place within a week thereafter, on 18.11.2025. He submitted that the *defacto* complainant was brutally attacked by nine accused on account of his efforts to secure restoration of the Panchami lands and that he sustained grievous injuries, including severe injuries to his right hand. He further submitted that Accused No.3 is a history-sheeted rowdy involved in five previous criminal cases, including one case for an offence under Section 302 IPC.

9.The learned Government Advocate further submitted that the investigation has since been completed and the final report has been filed



before the learned III Additional District and Sessions Court (PCR), Madurai, where it has been taken on file as Spl.S.C.No.28 of 2026.

WEB COPY

10.The learned Counsel appearing for the *defacto* complainant also opposed the grant of bail. According to him, if the appellants are released on bail, there is a real apprehension that the *defacto* complainant may be threatened and his life may be put in danger.

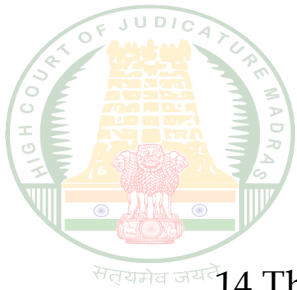
11.Heard the learned Counsel appearing on either side.

12.The materials placed before this Court show that the *defacto* complainant, belonging to the Scheduled Caste community, had been pursuing the issue relating to restoration of Panchami lands in Keeranur Village. According to the prosecution, for having approached this Court by filing WP(MD)No.32088 of 2025 and obtaining an order on 12.11.2025, as a retaliation, within a week therefrom, on 18.11.2025, the *defacto* complainant was brutally attacked and he sustained grievous injuries. Having regard to the gravity of the allegations, this Court, at that stage, did not consider it appropriate to go into the question of bail, and the matter was kept pending for consideration. However, since one of the specific allegations related to



alleged illegal quarrying activities in the said lands, this Court, in order to ascertain the factual position, directed the Superintendent of Police, Madurai, to verify the place of occurrence and submit a report indicating whether any such quarrying activities were being carried on in the said lands.

13.Pursuant to the said direction, a field inspection was conducted by the Deputy Superintendent of Police, Melur, and a status report dated 10.04.2026 was submitted before this Court. The report indicates that revenue records and communications of the Tahsildar, Melur, as early as in the year 2010 had already pointed out instances of encroachment in the said Panchami lands and that appropriate proceedings had been initiated in that regard. It further indicates that directions had been issued by the revenue authorities for cancellation of pattas granted in favour of non-Panchami persons and for restoration of the revenue position in accordance with law. The District Collector had also issued directions to ensure protection of Panchami lands from alienation in favour of non-entitled persons. Some of the affected parties are stated to have challenged those proceedings, which are presently pending consideration before the State Level Committee constituted under G.O.Ms.No.12, Adi Dravidar and Tribal Welfare (LA-2) Department, dated 04.03.2022.

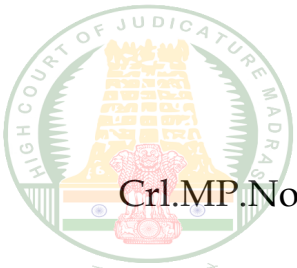


WEB COPY

14.The inspection further discloses *prima facie* instances of encroachment over portions of the subject lands. It was reported that Accused No.5, Rajendhiran, had encroached upon more than one acre of Panchami land adjoining his property. The inspection also revealed that a layout development under the name “Sri Angaiyarkanni Nagar” had been formed on a portion of the said lands. In addition, quarrying activity was noticed in Survey Nos.151, 21, 22 and 162, which form part of the lands referred to in the writ proceedings. According to the DSP, on verification with the Assistant Director of Geology and Mining, it was found that no licence had been granted for carrying out quarrying operations in the said survey numbers.

15.The above materials are relevant because they explain the background in which the present occurrence is alleged to have taken place.

16.When these criminal appeals against the rejection of bail were pending before this Court, Accused No.3 filed Crl.MP.No.202 of 2026 before the learned III Additional District and Sessions Court (PCR), Madurai and was granted bail by order dated 03.06.2026. Likewise, Accused No.4 filed



Crl.MP.No.185 of 2026 before the same Court and was granted bail by order dated 15.05.2026. Since these criminal appeals challenging the earlier rejection of bail were already pending before this Court, this Court, by order dated 19.06.2026, called for an explanation from the learned III Additional District and Sessions Judge, Madurai, regarding the circumstances in which the subsequent bail applications came to be entertained and allowed. This Court also impleaded the concerned Special Public Prosecutor, namely, Tr.P.Alagan, attached to the said Court and directed him to submit his explanation.

17.The learned III Additional District and Sessions Judge, in his explanations dated 15.06.2026 and 29.06.2026, has stated that the pendency of these criminal appeals was not brought to his notice by the Counsel appearing for the appellants. He has further stated that the prosecution had filed detailed written objections running to fourteen pages in English and two pages in Tamil. However, when he called upon the prosecution to briefly explain the substance of the objections, neither the learned Special Public Prosecutor nor the Investigating Officer informed the Court that the earlier rejection of bail was already under challenge before this Court. The learned Judge has also stated that the Counsel appearing for the accused / one



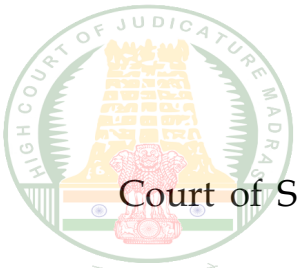
S.Velmurugan subsequently filed an affidavit stating that the appellants themselves had not informed him about the pendency of these criminal appeals.

18.Tr.P.Alagan, the learned Special Public Prosecutor, who appeared before the III Additional District and Sessions Court (PCR), Madurai, has filed an affidavit stating that he had filed a detailed written objection opposing the grant of bail and that paragraph 10 thereof specifically referred to the pendency of these criminal appeals before this Court. According to him, the relevant fact had therefore been brought on record in the written objections.

19.In the above factual background, this Court is of the view that the conduct of the stakeholders in the proceedings require consideration.

Judicial Discipline in Subsequent Bail Applications:-

20.The subsequent grant of bail by the learned III Additional District and Sessions Judge to the appellants during the pendency of these criminal appeals raises an issue concerning judicial discipline. The question is not as to the jurisdiction of the Sessions Court, as both the High Court and the



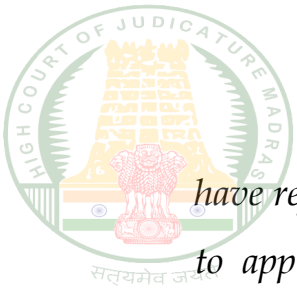
Court of Session exercise concurrent jurisdiction in matters relating to bail.

The issue is whether, once the criminal appeals challenging the earlier rejection of bail had already been entertained by this Court, it was appropriate for the Sessions Court to consider and dispose of fresh bail applications filed by the same accused in the same case.

21. Judicial discipline requires that, once the High Court is seized of the matter and the issue of bail is under its consideration in appeal, parallel consideration by the Sessions Court on the same subject should ordinarily be avoided, except where there is a clear change in circumstances. This is to prevent conflicting decisions and to ensure the orderly administration of justice, since concurrent jurisdiction does not imply concurrent exercise in a manner that defeats judicial discipline.

22. The above principles has been explained by this Court in *Raja Elango, City Public Prosecutor v. State* [1998-1 L.W. (Crl)], in the following terms:-

“64.No doubt it is true that Section 439, Code of Criminal Procedure confers concurrent powers in the matter of grant of bail to the Court of Session as well as this Court. But, once High Court took up the matter and gave a finding in the application, the Sessions Court either to

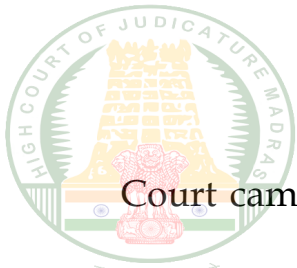


have refrained from dealing with the bail application by directing the party to approach the High Court or to find out any substantial change of circumstances, after going through the High Court's order. Admittedly, this was not done.

67.As held by the Apex Court in the various decisions referred to above, even among the Judges of this High Court, when the second application comes before some other Judge, the judicial propriety demands the subsequent application must be placed before the Judge, who already dealt with the matter. The Supreme Court says in its words "the judicial discipline" requires such matters must be placed before the same Judge.

68.The concurrent jurisdiction conferred to the Sessions as well as the High Court would not help the Sessions Court to entertain lightly the bail application after it was dismissed by the High Court. It should be borne in mind the distinction between the existence of jurisdiction and its proper exercise. Entertaining of such bail application, in the absence of substantial change of circumstance, would amount to improper exercise of jurisdiction, which must necessarily be avoided."

23.In the present case, the criminal appeals were already pending before this Court when the subsequent bail applications were moved before the Sessions Court. The fact that the matter was under consideration of this Court was not effectively brought to the notice of the Sessions Court at the time of hearing, either by the Counsel appearing for the accused or by the Public Prosecutor. Consequently, the same issue which was seized of by this



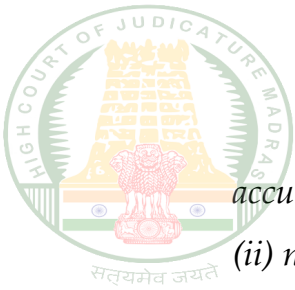
Court came to be independently considered by the Sessions Court, which is precisely the situation that the principle of judicial discipline is intended to avoid.

24.No doubt, the Counsel appearing for the accused and the Special Public Prosecutor have not performed their duty and informed the Sessions Court about the pendency of the appeals before this Court. However, the Courts have a duty to consider all the relevant factors while considering bail applications. In this context, it is relevant to refer to the decision of the Hon'ble Supreme Court in **Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana** [AIR 2021 SC 2011] wherein it was held as under:

“24. The principles governing the grant of bail were reiterated by a two-Judge Bench in Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] : (SCC p. 499, para 9)

“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the



accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail."

Explicating the power of this Court to set aside an order granting bail, this Court held : (Prasanta Kumar Sarkar [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] , SCC p. 499, para 10)

"10. It is manifest that if the High Court does not advert to these relevant considerations and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal."

... ..

39. Judicial discretion in granting or refusing bail – as in the case of any other discretion which is vested in a court as a judicial institution – is not unstructured. The duty to record reasons is a significant safeguard which ensures that the discretion which is entrusted to the court is exercised in a judicious manner. The recording of reasons in a judicial order ensures that the thought process underlying the order is subject to scrutiny and that it meets objective standards of reason and justice."

25. Therefore, the grant of bail is governed by objective factors and the judicial discretion has to be exercised judiciously, cautiously and strictly after considering all the relevant factors and not in a casual or negligent manner.



WEB COPY

In the present case, certain facts had a direct bearing on the exercise of discretion, namely, the complainant's Scheduled Caste status, the nature of the dispute relating to Panchami lands, the proceedings before this Court in WP(MD)No.32088 of 2025, the proximity of the occurrence to the judicial order dated 12.11.2025, the nature of injuries sustained, and the fact that the earlier rejection of bail was already under challenge before this Court. These were the circumstances that required focused attention during the bail hearing. However, these important facts which had a direct bearing on the decision were not properly highlighted before the learned Sessions Judge.

26.It is relevant to note that the role of an Advocate, a Public Prosecutor, and the Investigating Officer, though distinct, operates within a common objective of assisting the Court in arriving at a fair and informed decision. Each stakeholder is expected to ensure that the Court is not merely provided with records, but is also assisted in identifying the facts that are truly relevant for the exercise of judicial discretion.

Role of an Advocate:

27.An advocate is an officer of the Court. While he owes a duty to

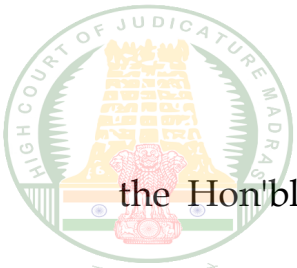


protect the interests of his client, he also owes a corresponding duty to the Court to ensure that the administration of justice is not hindered by suppression or omission of material facts. This duty assumes greater importance in proceedings relating to bail, where the Court is required to exercise its discretion on the basis of the facts placed before it within a limited time.

28. In the present case, the subsequent bail applications were filed before the Sessions Court when these criminal appeals challenging the earlier rejection of bail were already pending before this Court, and the same was not brought to the notice of the Sessions Court by the Counsel appearing for the accused, which is not proper and deserves condemnation.

Role of Prosecutor:-

29. A Public Prosecutor is not a Counsel engaged merely to secure a conviction or oppose every application filed by the accused. He is an officer of the Court and a representative of the State, entrusted with the duty of assisting the Court in the administration of criminal justice. His obligation is to act fairly, objectively and responsibly by placing before the Court all relevant facts having a bearing on the issue under consideration. As held by



the Hon'ble Supreme Court in *Amarinder Singh vs. Prakash Singh Badal*

[(2009) 6 SCC 260], a Public Prosecutor is an officer of the Court and cannot

WEB COPY

merely act on the instructions of the Government. His foremost duty is to assist the Court in arriving at a just decision.

30.This responsibility assumes even greater significance in prosecutions under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where the investigation is entrusted to an officer not below the rank of Deputy Superintendent of Police and where the Courts are expected to give an audience to the *defacto* complainant before deciding the bail pleas of the accused. The enactment is intended to protect members of the Scheduled Castes and Scheduled Tribes from atrocities and to ensure that victims receive meaningful protection through the criminal justice system.

31.The duty of the Public Prosecutor does not end with placing the entire record before the Court. A distinction must be drawn between placing the materials on record and effectively assisting the Court during the hearing. While detailed written objections may be necessary depending on the facts of the case, the real assistance to the Court lies in identifying the specific facts which have a direct bearing on the exercise of judicial discretion and bringing



them clearly to the notice of the Court during oral hearing. The Sessions Courts are required to dispose of a large number of bail applications, and it is neither feasible nor expected that the Court should independently examine lengthy pleadings to identify decisive facts. The Public Prosecutor, being the voice of the victim, should develop the skill of brevity (i.e.) being straight to the point and avoiding unnecessary details. The avoidance of unnecessary details, compressing arguments into their absolute essence and hitting the core of a message is an essential aspect of advocacy.

32. Here, the learned Special Public Prosecutor had filed a detailed written objection running to fourteen pages, under the impression that it is his only duty. There is nothing improper to in filing a detailed written objection if the facts of a case so warrant. But, when the learned Sessions Judge specifically called upon the Prosecutor and the Investigating Officer to briefly indicate the substance of their objections, the material facts having a direct bearing on the consideration of the bail applications were not effectively highlighted. Effective advocacy is not measured by the number of pages filed. It lies in identifying the relevant issues, separating the material facts from the immaterial details, and presenting such decisive facts to the Court with clarity and precision. That is the assistance which every Court

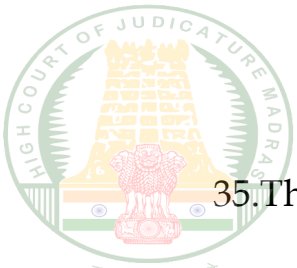


legitimately expects from a Public Prosecutor, but the same was not done in this case.

33.The present case demonstrates that where such effective assistance is lacking, the process of adjudication may proceed without consideration of all the material facts. Therefore, there is a need to ensure that the system is supported by properly equipped and competent prosecuting officers who are able to discharge this responsibility effectively.

Need for Merit-Based Appointment of Law Officers:-

34.The present case highlights the importance of ensuring that the State is effectively represented by competent prosecuting officers. A Public Prosecutor or Government Law Officer acts as the vital link between the investigating agency and the Court. They also represent the State in sensitive matters involving corruption, economic offences and litigations concerning governmental action relating to land, revenue, public employment, education, taxation, public policy and other matters of public importance. If the Court is not effectively assisted in these matters, not only the interests of the victims, but the broader public and societal interest suffers and ultimately, the administration of justice itself is undermined.



WEB COPY

35. The importance of appointing competent Law Officers has already been recognised by the First Bench of this Court in *V.Vasanthakumar v. The Chief Secretary, Government of Tamil Nadu* [W.P.No.12951 of 2017, dated 28.04.2018]. The First Bench directed the State Government to evolve objective criteria for the appointment of Law Officers by giving due weightage to factors such as advocacy, legal acumen, quality of drafting, reported and unreported judgments, academic background, integrity, behaviour and general reputation. Pursuant thereto, the Government amended the Law Officers of High Court of Madras and its Bench at Madurai (Appointment) Rules, 2017 vide G.O.Ms.No.539, Public (Law Officers) Department, dated 19.07.2018 and incorporated these parameters as Rule 5(7) which is extracted hereunder:

"5(7) The Selection Committee shall be satisfied about the qualification, experience, integrity, reliability, appearances in court, advocacy, legal accumen, quality of drafting pleadings, report and unreported Judgments, academic background, behaviour, general reputation and antecedents of the candidates."

These criteria are intended to ensure that appointments are made on merit and that the State is represented by advocates capable of effectively assisting the Court.



36. However, this Court has also noticed that these standards are not always adhered to in their true spirit. In *Raj Kumar vs The State of Tamil Nadu* [Crl.MP(MD)No.12468 of 2025 dated 01.04.2026], this Court observed that appointments of Law Officers, in certain cases, appear to have been made not strictly on merit, but on extraneous considerations and on the basis of proximity and allegiance to the ruling dispensation, and that such appointments may include persons lacking adequate legal competence and courtroom ability, and persons whose only qualification is their involvement in menial political activities like affixing posters, with the result that effective conduct of cases is compromised and the administration of justice is adversely affected. Such observations underline the need for strict adherence to the prescribed norms rather than dilution of standards in implementation.

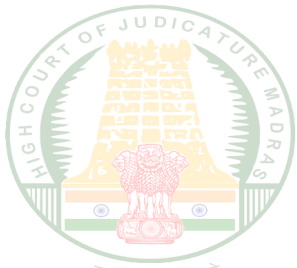
37. It is therefore necessary to reiterate, particularly in the context of ongoing appointments of Law Officers, that such selections must strictly conform to the standards already laid down. It should not remain mere formal requirements on paper. A transparent and merit-based selection process alone will inspire confidence in the institution and ensure that the Government, as well as victims whom it represents, receive effective legal assistance before the Courts. The present case reinforces the importance of



ensuring that Law Officers are selected on the basis of demonstrable professional ability and suitability to assist the Court effectively.

38.The legal profession today has many advocates, including young members of the Bar, possessing exceptional legal knowledge, sound advocacy skills and impeccable professional standards. Merit must receive due recognition. Appointments to public offices should be guided by competence, integrity and professional ability and not by recommendations or other extraneous considerations. The object of the selection process should always be to identify the candidates who are best equipped to represent the State and assist the Court.

39.Besides the parameters already recognised under Rule 5(7), the Selection Committee may, wherever considers appropriate, also take into account objective indicators of the candidate's professional practice, including the professional income disclosed in the income-tax returns. Such material cannot, by itself, determine suitability. It may, however, constitute one among several objective factors reflecting the extent of the candidate's active professional practice and should always be assessed along with advocacy, legal ability, integrity and overall professional standing.

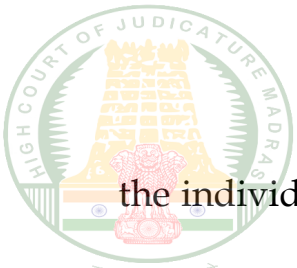


Appointment of Prosecutors for District Court:-

WEB COPY

40. Insofar as the appointment of law officers to District Courts are concerned, the same is made under Section 18 of the BNSS [Section 24 of CrPC] by the District Magistrate, in consultation with the Sessions Judge from a panel of names of persons. This provision merely provides that Public Prosecutors should have a minimum of 7 years' experience and Special Public Prosecutors should have a minimum of 10 years' experience. It is regrettable to note that no objective criteria such as legal accumen, quality of drafting pleadings, behaviour, general reputation and antecedents of the candidates are prescribed for the selection of the Law Officers to the District and Special Courts. In reality, these Officers act as the gatekeeper of the criminal justice system and are responsible for representing the victims in bail applications and criminal trials.

41. It is relevant to note that the Law Commission of India in its 197th report on Public Prosecutor's Appointments has noted that any method of appointment which sacrifices the quality of the prosecution or which enables State Governments to make appointments at their choice without proper screening, proper assessment of the qualifications, experience or integrity of

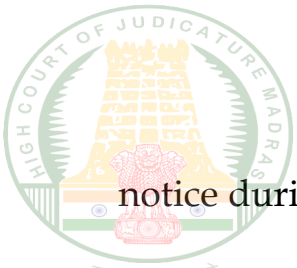


WEB COPY

the individuals, will lead to arbitrariness. It also proposed the amendment of Section 24(4) of the CrPC to mandate that the Sessions Judge must give importance to experience in Sessions cases, merit and integrity of the persons proposed to be appointed as public prosecutors. However, the above recommendations have not been implemented by the government even after the introduction of the BNSS and the legal provision prescribes only the criteria of experience.

42.Considering the important role played by the Public Prosecutors and Special Public Prosecutors in protecting the rights of the victims and the recommendations of the Law Commission, this Court is of the opinion that the guidelines issued in *Vasanthakumar's case (referred supra)* and the discussions made supra should also be considered when appointing public prosecutors to the District Courts and Special Courts.

43.Reverting to the facts of the present case, this Court is unable to overlook the manner in which the subsequent bail applications came to be entertained and allowed. The criminal appeals challenging the earlier rejection of bail were already pending before this Court. The learned Sessions Judge has stated that the pendency of these appeals was not brought to his



notice during the hearing. The learned Special Public Prosecutor, on the other hand, states that the said fact had been mentioned in the written objections.

WEB COPY

Be that as it may, the fact remains that the learned Sessions Judge proceeded to consider and allow the subsequent bail applications without being effectively apprised that the very issue was already engaging the attention of this Court.

44.As already observed, the issue is not one of jurisdiction but of judicial discipline. Likewise, the issue is not whether the prosecution filed a lengthy written objection. The real question is whether the Court was effectively assisted on the facts which were material for deciding the bail applications. On the facts of the present case, this Court is of the considered view that such effective assistance was lacking.

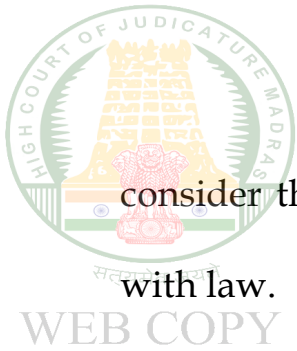
45.The consequence is evident. A case involving serious allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, arising out of a dispute concerning Panchami lands, where the victim had sustained grievous injuries and where the earlier rejection of bail was already engaging the attention of this Court, was not presented before the learned Sessions Judge in the manner in which it ought to have been.



These observations are made to emphasise the importance of effective advocacy, meaningful assistance to the Court and adherence to judicial discipline in proceedings involving personal liberty.

46.Insofar as these criminal appeals are concerned, it is not in dispute that, during their pendency, the appellants were granted bail by the learned III Additional District and Sessions Judge (PCR), Madurai, in Crl.M.P.No.202 of 2026 and Crl.M.P.No.185 of 2026 by orders dated 03.06.2026 and 15.05.2026 respectively. The appellants are presently out on bail. It is also reported that the investigation has been completed and the final report has been taken on file as Spl.S.C.No.28 of 2026. In view of these subsequent developments, nothing further survives for consideration in these criminal appeals.

47.During the hearing of these appeals, on the directions of this Court, the Deputy Superintendent of Police, Melur, conducted a field inspection regarding the allegations of encroachment and illegal quarrying in the Panchami lands. Pursuant thereto, a report has been submitted before this Court. Since the said report may have a bearing on the prosecution case, the respondent police shall ensure that the report, along with all connected materials, is placed before the trial Court. The learned trial Judge shall



consider the same, if it is otherwise admissible and relevant, in accordance with law.

48.The purpose of the above observations is to emphasise certain institutional principles which are essential for the proper administration of criminal justice. Effective advocacy, fair assistance by the prosecution, adherence to judicial discipline and careful exercise of judicial discretion are indispensable to the administration of justice. It is only when every stakeholder faithfully performs the duty cast upon him that public confidence in the criminal justice system can be sustained.

With the above observations and directions, these Criminal Appeals stand closed.

Internet : Yes
Index : Yes / No
NCC : Yes / No

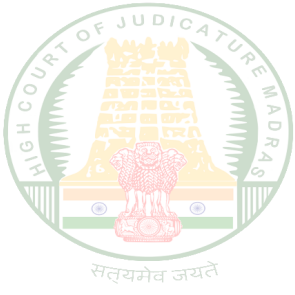
07.07.2026

gk

Note:

Mark a copy of this order to

1. The Secretary to Government,
Home Department,
State of Tamil Nadu,
Secretariat, Chennai.



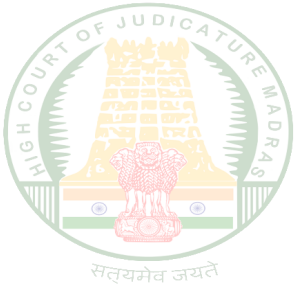
WEB COPY



2. The Advocate General,
Madras High Court, Chennai.
3. The State Public Prosecutor,
Madras High Court, Chennai.

To

- 1.The III Additional District and Sessions Judge,
PCR Court,
Madurai.
- 2.The Deputy Superintendent of Police,
State of Tamil Nadu,
Melur Sub Division,
Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Madurai District.



WEB COPY

VERDICTUM.IN



Crl.A(MD)Nos.69, 18

B.PUGALENDHI, J.

gk

Crl.A(MD)Nos.69 & 186 of 2026

07.07.2026