

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

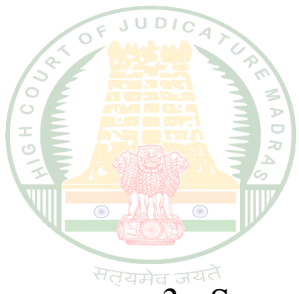
CRL OP No. 18359 of 2026

1. H. Jayavel
S/o. Hari,
1/184, Athukalvai,
Kallakuri village and post,
Krishnagiri District-635001.
2. H. Arjunun
S/o. Hari,
1/184, Athukalvai, Kallakuri village and post,
Krishnagiri District-635001.
3. R. Hari
S/o. Ramasamy,
1/184, Athukalvai, Kallakuri village and post,
Krishnagiri District-635001.
4. H. Vignesh
S/o. Hari,
1/184, Athukalvai, Kallakuri village and post,
Krishnagiri District-635001.

..Petitioner(s)

Vs

1. The Superintendent of Police
District Police Office,
Collectorate Campus,
Krishnagiri, Tamil Nadu 635 001.
2. State Rep By,
The Inspector of Police
Maharajakadai Police Station,
Krishnagiri District-635001.



3. Samudi
S/o. Chinnaraj,
No.1/242, Kallaguri,
Krishnagiri Taluk,
Krishnagiri District 635 001.

..Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 482 of BNSS, praying to grant anticipatory bail in the event of their arrest in Crime No.150 of 2026 on the file of the respondent police and pass such further or other orders that this Honorable Court.

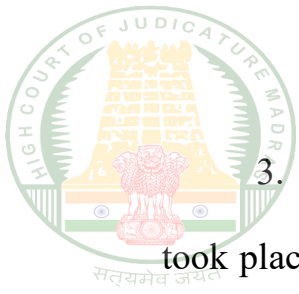
For Petitioner(s): Mr.Senthilkumar V

For Respondent(s): Mrs.R.S.Indira,
Government Advocate (Crl.Side)
For R1 And R2

ORDER

The petitioners apprehend arrest for the alleged offences under Sections **296(b), 115(2), 118(1) and 49 of BNS and Sections 3(1)(r), 3(1)(s)(va) of SC/ST Act** in Crime No.150 of 2026 on the file of the respondent police seeks anticipatory bail.

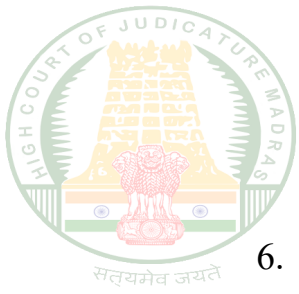
2. The case of the prosecution is that on 08.06.2026 , the petitioners while extracting clay from thambu Kuttai Lake near Aathukavai, Kallakuruthu Panchayat, abused the defacto complainant in filthy language and attempted to assault him. Hence the case.



3. The learned counsel for the petitioners submitted that the occurrence took place on 08.06.2026 and that the injured person has been discharged from the hospital. He further submitted that though the petitioners have been charged with offences under the SC/ST (Prevention of Atrocities) Act, the essential ingredients are not found in the F.I.R. so as to invoke the provisions of the said Act. Therefore, by relying upon the judgment of the Hon'ble Supreme Court in Prathvi Raj Chauhan v. Union of India, the present application for anticipatory bail is maintainable. He further submitted that petitioners are innocent persons and a false case has been foisted against them and that they have not committed any offence as alleged by the prosecution.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent-Police objected to this petition on the ground of maintainability, contending that the FIR explicitly contains references regarding the utterance of caste names. He further submitted that the first petitioner, namely Jayavel, has two previous cases, and the third petitioner, namely Hari, has six previous cases registered against them. He further submitted that earlier application filed by the petitioners was dismissed on 29.06.2026. As there is no change in circumstances since then, he opposed the grant of anticipatory bail to the petitioners.

5. I have given my anxious consideration to either side submissions.

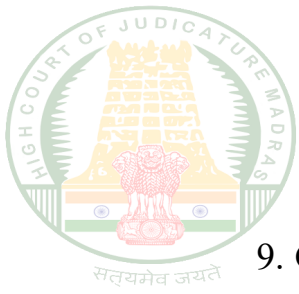


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6. The contention of the learned counsel for the petitioners is that there is no bar under Section 18 of SC/ST Act, if no ingredients are made out. He submitted that even if an FIR is registered under the provisions of the SC/ST Act, an application for anticipatory bail is maintainable if a prima facie case is absent. In support of his contention, he relies upon the upon the judgment of the Hon'ble Supreme Court in Prathvi Raj Chauhan v. Union of India.

7. On a perusal of the F.I.R, it is seen that there is a reference made by the defacto complainant is that he belongs to Schedule Caste and this Court could not find any material to indicate the utterance of a caste name with public view. Therefore, as rightly contended by the learned Counsel for the petitioner, this Court could find the grounds for maintainability. Although the earlier petition was dismissed on 29.06.2026, the learned counsel for the petitioners has now brought to light the complete absence of necessary pleadings and ingredients in respect of the offences under the SC/ST Act.

8. However, taking into account the heavy criminal antecedents of the first and third petitioners who are involved in two and six previous cases respectively, this Court is not inclined to grant anticipatory bail to them. Consequently, this Criminal Original Petition stands dismissed as against the first and third petitioners.



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9. Considering the fact that the victim is discharged from the hospital on 10.06.2026 and the occurrence took place in the month of June 2026, , at this length of time, this Court is of the firm view that, custodial interrogation of the second and fourth petitioners is not required. Hence, this Court is inclined to enlarge the petitioners 2 and 4 on anticipatory bail, subject to certain conditions.

10. Accordingly, the petitioners 2 and 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.II, Krishnagiri** on condition that **each of the petitioners 2 and 4 shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners 2 and 4 fail to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety slip (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;



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(c) **The petitioners 2 and 4 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2 and 4 are released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

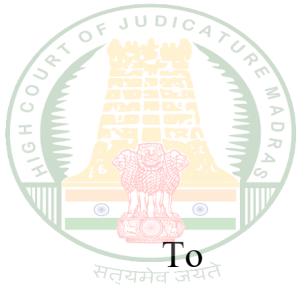
(e) If the petitioners 2 and 4 thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

11. In the result, insofar as the first and third petitioners are concerned, this Criminal Original Petition is dismissed. However, the petition is allowed in respect of the second and fourth petitioners.

14-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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- To
1. The Judicial Magistrate No.II,
Krishnagiri.
 2. The Superintendent of Police
District Police Office,
Collectorate Campus,
Krishnagiri, Tamil Nadu 635 001.
 3. The Inspector of Police
Maharajakada Police Station,
Krishnagiri District-635001.
 4. The Public Prosecutor,
High Court, Chennai.



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C.KUMARAPPAN, J.

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