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Crl.A.No.19 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .06.02.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.A.No.19 of 2025

A.Viswanathan

... Petitioner

Vs.

1. The State represented by,
The Assistant Commissioner of Police,
Salem West,
Sooramangalam Police Station,
Crime No.1090 of 2024.

2. The Inspector of Police,
Sooramangalam Police Station,
Salem City.

3. Palanisamy @ Annadurai

... Respondents

PRAYER: Criminal Appeal filed under Section 14 A(2) of SC/ST Act, 1989, to set aside the order passed by the learned Special District Judge, Special Court for trial of cases under SC/ST (POA) Act, Salem in C.M.P.No.435 of 2024 dated 05.12.2024 and to enlarge the appellant on bail in the event of his arrest in Crime No.1090 of 2024 on the file of the first respondent-Police, pending investigation.

For Petitioner : Mr.V.Janarthanan



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For R1 & R2 : Mrs.G.V.Kasthuri
Additional Public Prosecutor

For R3 : Mr.K.M.Balaji

ORDER

This Criminal Appeal has been filed to set aside the order passed by the learned Special District Judge, Special Court for trial of cases under SC/ST (POA) Act, Salem in C.M.P.No.435 of 2024 dated 05.12.2024 and to enlarge the appellant on bail in the event of his arrest in Crime No.1090 of 2024 on the file of the first respondent-Police, pending investigation.

2. Heard the learned counsel appearing for the petitioner, learned counsel for the third respondent and the learned Additional Public Prosecutor appearing for the official respondents and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner is noway connected with the alleged offence and he has been falsely



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implicated in this case by the defacto complainant. Further he submitted that originally, the respondent-Police registered a case against the petitioner for the offences under Sections 108 and 318(4) of BNS Act only. Hence the petition filed by the petitioner under Section 492 of BNSS is maintainable.

4. Originally, a case was registered against the petitioner herein/A2 and another accused for the offences under Sections 108 and 318(4) of BNS Act. During investigation, alteration report was filed by respondent-Police by including the offence under Section 3(2)(v) of SC/ST(PoA) Act. The petitioner filed a petition under Section 492 of BNSS, seeking relief of anticipatory bail in C.M.P.No.435 of 2024 before the learned Special District Judge, Special Court for trial of cases under SC/ST (PoA) Act, Salem. The learned Special Judge dismissed the same vide order dated 05.12.2024 on the ground that the petition is not maintainable in terms of Section 18 of SC/ST(PoA) Act. Aggrieved over the same, the petitioner has filed this Criminal Appeal.

5. On a reading of the materials, it is found that the second



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respondent-police had filed the alteration report including the offence under Section 3(2)(v) of SC/ST (PoA) Act, as against the petitioner herein. Once the case is registered against the petitioner for the offence under SC/ST Act , the petition seeking anticipatory bail under Section 492 of BNSS is not maintainable. Hence, this Court does not find any perversity in the impugned order passed by the learned Special Judge and there is no merit in this Criminal Appeal and the same is liable to be dismissed.

6. In view of the same, this Criminal Appeal is dismissed. However, the petitioner is at liberty to workout his remedy in the manner known to law.

06.02.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Special District Judge,



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Special Court for trial of cases under SC/ST (POA) Act,
Salem.

2. The Assistant Commissioner of Police,
Salem West,
Sooramangalam Police Station.
3. The Inspector of Police,
Sooramangalam Police Station,
Salem City.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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