



WEB COPY



Crl.O.P.No.5036 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 5036 of 2025

1.Subramani
2.Kasiyammal
3.Anandhi

Petitioner(s)

Vs

1. The State Represented by,
The Inspector of Police,
All Women Police Station (AWPS),
Tiruvannamalai,
Tiruvannamalai District.
(Crime No.03 of 2025)

Respondent(s)

2.Aswini

For Petitioner(s) : Mr.K.T.S.Sivakumar

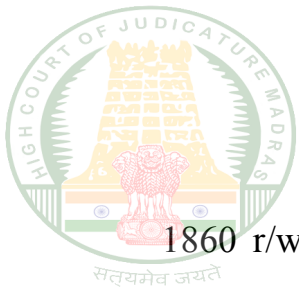
For Respondent(s) :Mr.S.Balaji,
Government Advocate (Criminal Side) for R1

For Intervener: M/s.S.Sridevi, for Legal Aid Counsel

PRAYER To enlarge the petitioners on anticipatory bail in the event of their arrest by the first respondent in Crime No.03 of 2025 on the file of the Respondent.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 294(b), 313, 376(2)(n), 417, 506(2) of IPC



Crl.O.P.No.5036 of 2025

1860 r/w 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Caste and Scheduled Tribes

WEB (Prevention of Atrocities) Amendment Act 2015 in Crime No.3 of 2025, on the

file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused and the defacto complainant, who belongs to the Scheduled Caste Community had a love affair; that on the promise of marriage, the first accused had sexual intercourse with the defacto complainant; that thereafter he abandoned her; that when the defacto complainant contacted him over phone, the father, mother and sister of the first accused threatened the defacto complainant, humiliated her due to her caste and thus the petitioners committed the aforesaid offence.

3. Learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case; that the allegations against the petitioners have been made only to arm twist the first accused, that the first accused was arrested and released on bail; that notwithstanding the bar under SC/ST, since the allegations are motivated, the petitioners may be granted anticipatory bail.

4. Learned counsel for the defacto complainant submitted that there are allegations against the first accused herein, who abused the defacto complainant



and humiliated her due to caste, and that the petitioners herein had abetted the first accused.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the petitioners have no bad antecedents.

6. This Court on perusal of FIR, finds that the first accused and the defacto complainant had a love affair for a long time. They had a consensual relationship. The first accused was arrested and released on bail. The allegations against the first petitioner, that he humiliated the defacto complainant prima facie appears to be an after thought. There are no allegations against the 2nd and 3rd petitioners. The petitioners have nothing to do with the alleged relationship of the first accused with the defacto complainant.

7. Considering the aforesaid facts and since the allegations prima facie do not constitute the offence under SC/ST Act, against the above petitioners, and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



WEB COPY

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Special Court for Trial of Cases under SC ST (PoA) Act, Tiruvannamalai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the first petitioner shall report before the respondent Police daily at 10.30 a.m, until further orders; that the second and third petitioners, being ladies, shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during



WEB COPY



Crl.O.P.No.5036 of 2025

investigation or trial;

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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

drl

17-04-2025

To

1. The Inspector of Police,
All Women Police Station (AWPS),
Tiruvannamalai, Tiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.5036 of 2025

SUNDER MONHAN, J.

drl

CRL OP No. 5036 of 2025

17.04.2025