



CRL O.P. No.9203 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 26.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1. S. Hamsaveni W/o. Late Arumugam
2. Arun Vidhya D/o. Late Arumugam ... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
D2 Selvapuram Police Station,
Chennai. ... Respondent
[Cr. No.65 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in Crime No.65 of 2025 on the file of the respondent police.

For Petitioners : Mr. S. Deenadayalan
For Respondent : Mr. S. Santhosh,
Government Advocate
[Criminal side]

ORDER

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 64, 318(4)

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and 351(3) of B.N.S. and Sections 3(1)(s), 3(2)(v) of SC/ST Act in
WEB COPY connection with the case in Crime No.65 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the 1st accused had a love affair with the defacto complainant; that the 1st accused, on the promise of marriage, had sexual intercourse with the defacto complainant on several occasions; that when the defacto complainant expressed her desire to marry the 1st accused; that the 1st accused gave evasive replies and also switched off his mobile phone; that thereafter, had abused the defacto complainant in filthy language and threatened her of dire consequences; that on 04.03.2025, the defacto complainant went to the house of the petitioners and asked for the 1st accused, the petitioners abused her in filthy language and humiliated her by referring to her caste and thus, committed the aforesaid offences.

3. The learned counsel for the petitioners would contend that the allegations against the petitioners are false; that even according to the defacto complainant, the 1st petitioner, who is the mother of the 1st



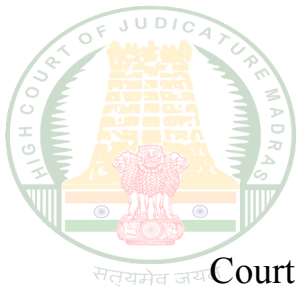
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accused, had expressed her willingness in the year 2023, when the defacto complainant contacted the 1st accused and the 1st petitioner; that thereafter, there was a consensual relationship and due to differences between the 1st accused and the defacto complainant, marriage did not take place; and that the allegation that the petitioners had abused the defacto complainant by humiliating her caste. He further submitted that the 2nd petitioner is a permanent resident of London and she had come here for the delivery of her child and she has been roped into this case to arm twist the 1st accused and hence prayed for grant of anticipatory bail to the petitioners.

4. The 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 it is the case of consensual affair between the 1st accused and the defacto complainant; and that the allegations against the petitioners is that on the date of occurrence, the petitioners had abused the defacto complainant by referring her caste.

5. Primarily, the allegations are only against the 1st accused. This



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Court is of the view that the allegations against the petitioners prima facie not constitute the offences under the SC / ST Act, as the allegations do not suggest that the defacto complainant was humiliated due to her caste and it only appears to be a case of break up in the relationship. It is also seen that the petitioners had also lodged complaint against the defacto complainant, a lawyer, on 30.01.2025 before the Bar Council of Tamil Nadu and Puducherry. Hence, this Court, by applying the law laid down by the Hon'ble Supreme Court in *Shajan Skaria vs. State of Kerala and another* reported in *2024 SCC OnLine SC 2249*, is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. 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 of receipt of a copy of this order, before the learned **Special Judge, Special Court for SC/ST Cases, Coimbatore** on condition that the petitioners shall each 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



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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 conditions 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 petitioners shall report 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 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 petitioner 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



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of Kerala [(2005)AIR SCW 5560]; and

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[f] If the accused thereafter abscond, a fresh FIR can be registered

under Section 269 B.N.S.

26.03.2025

mjs

To

- 1.The Special Judge, Special Court for SC/ST Cases, Coimbatore .
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, D2 Selvapuram Police Station, Chennai.

SUNDER MOHAN. J.,

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