



Crl.O.P.No.19773 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19773 of 2025

1. M.Saminathan

2. P.Suresh

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kangayam Range,
Tiruppur District.

2. The State rep. By
The Inspector of Police,
Uthukuli Police Station,
Tiruppur District. Crime No. 343 of 2025

3. K.Mohanasundaram

4. Nithya

... Respondents

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
their arrest in connection with Crime No. 343 of 2025 on the file of respondent
Police.

For Petitioners : Mr.M.Elizabeth

For R1 & R2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)



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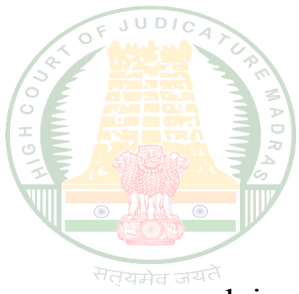
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For R3 : No appearance

ORDER

The petitioners, who were apprehend arrest at the hands of the respondent police for the offences punishable under 296(b), 118(2), 351(3) of BNS Act, 2023 and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes Prevention of Atrocities) Amendment Act, 2015 in Crime No.343 of 2025, on the file of the respondent Police, seeks anticipatory bail.

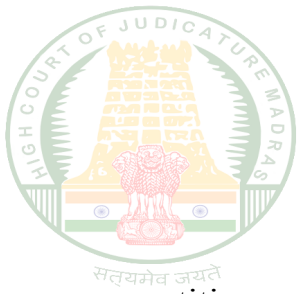
2. The allegation against the petitioner is that the defacto complainant, who belongs to the Scheduled Caste community, is employed as a load man and resides with his family in the same village as the accused persons. It is alleged that one Eswari runs a Self Help Group comprising ten members, in which the defacto complainant is also a member. A2 (Suresh), who also belongs to the same SC community, along with one Dhanabakyiam, canvassed and facilitated the enrollment of the complainant's wife, Nithya, into the group. All members of the group were sanctioned loans and the amount was credited to their respective bank accounts. However, no loan amount was credited to the bank account of the



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complainant's wife. On 21.06.2025, when the complainant questioned A2 regarding this, a verbal altercation ensued. During this, A2 allegedly used abusive language and A1 Eswari's husband, intervened and allegedly used caste-based derogatory terms and also physically assaulted the complainant using a stick. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the case. As per the FIR, the only allegation against A2 is that he used abusive words during a heated exchange. However, since A2 also belongs to the Scheduled Caste community, no offence under the SC/ST (Prevention of Atrocities) Act is attracted. As regards A1, it is submitted that he merely intervened in the verbal exchange and there is no specific overt act or clear intention to humiliate the complainant in public view. It is further contended that all parties reside in the same locality and are socially aware of each other's background, thereby lacking the elements of intentional insult required under the Act. The petitioners have also produced proof of service of notice to the defacto complainant and the victim, in compliance with Section 15A of the SC/ST Act. Despite such service, neither the defacto complainant appeared before this Court nor engaged any counsel. He further submitted that the



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petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the incident appears to have arisen from an internal dispute within the self-help group, particularly concerning the loan distribution process. The defacto complainant's wife had applied for a loan, which was sanctioned and received. The matter escalated into an argument between A2 and the complainant, during which words were exchanged, but no major physical violence or public humiliation was alleged apart from the brief mention of caste-related words by A1. However, he opposed to granted anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Sessions Judge of the Special Court for the trial of cases under the SC/ST (Prevention of Atrocities) Act in Tirupur** on condition that the petitioner shall execute a 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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[c] the petitioner shall report before the respondent Police daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

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To

1. The Sessions Judge of the Special Court for the trial of cases
under the SC/ST (Prevention of Atrocities) Act in Tirupur
2. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Kangayam Range,
Tiruppur District.
3. The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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