

Crl.O.P.No.21204 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21204 of 2025

- 1.P.Sanjay
- 2.Krishnamoorthy
- 3.S.Vijayakumar
- 4.M.Boopathi
- 5.S.Arulkumar
- 6.S.Sabarish
- 7.M.Balamurugan
- 8.Muhameed Barvesh
- 9.M.Ajithkumar
- 10.S.Ajithkumar
- 11.P.Balasubbiramani
- 12.G.Selvam

.. Petitioners/A1 to A12

Vs.

- 1.The Deputy Superintendent of Police,
Perundurai Range, Erode.

- 2.State of Tamil Nadu, Rep. by
The Inspector of Police,
Kodumudi Police Station,
Erode.

Crime No.125 of 2025

.. Respondents / Complainant

- 3.Mr.Suresh

.. Respondent /
de facto complainant



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PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.125 of 2025 on the file of the respondent police.

For Petitioners : Mr.D.Ananthapadmanabhan

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

For R3 : No appearance

ORDER

The petitioners were apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 115(2), 324 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(va), 3(I)(r), 3(l)(s) SC/ST (Prevention of Atrocities) Act, 1989 in Crime No.125 of 2025, seeks anticipatory bail.

2. The gist of the case is that on 02.07.2025 at about 10.50 p.m., one Nallasivam contacted the de facto complainant and informed that one Sanjay and his friends had assaulted Nallasivam's son, Rajkumar, and asked him to come to support them to lodge the complaint as the de facto complainant is a Social Activist. The de facto complainant informed



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Nallasivam and Rajkumar to go to the Kodumudi Police Station to lodge the complaint. Thereafter, the de facto complainant also started to go to Kodumudi Police Station, and at that time, Sanjay and his friends had followed the de facto complainant and assaulted him. Further, they had abused him by calling his caste name, and he was beaten very badly. Thereafter, two of them had taken the de facto complainant, Suresh, on his bike. On the way, the patrol police had seen and enquired and advised the de facto complainant and others to go home and to lodge the complaint the next day morning. Since the de facto complainant was suffering from severe pain, he had called the 108 Ambulance. He was taken to the Kodumudi Government Hospital where first aid was given, and thereafter, he got himself admitted to the Government Medical College Hospital, Karur. Information from the hospital was sent to the respondent police, who came there and received the complaint, which was registered as CSR.No.376 of 2025 dated 03.07.2025. Later an FIR had been registered in Crime No.125 of 2025. Hence, the case.

3. The contention of the petitioners is that the alleged occurrence took place on 02.07.2025, and though it is stated that CSR was assigned on



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03.07.2025, the FIR in this case was registered only on 10.07.2025. One of the petitioners/A9/M.Ajith Kumar, had lodged a complaint against the de facto complainant, Suresh, Rajkumar, Nallasivam, and Sasi, regarding his being assaulted. As a counterblast, the above complaint has been given, and Suresh, being a Social Activist, is taking advantage of his social status and lodged a false complaint. He further submitted that, even taking the complaint as a whole, it can be seen that it is a case of assault and counter-assault, and there is no abuse of prohibitory words in a public place or public view. Hence, he prays for anticipatory bail for the petitioners.

4. Despite the order of this Court dated 29.07.2025, notice was served on the de facto complainant, but there is no representation.

5. Learned Government Advocate (Crl.Side) appearing for the respondents submitted that it is a counter-case to the complaint filed by one of the petitioners/A9, M.Ajithkumar; a case in Crime No.126 of 2025 was filed by the respondents against the de facto complainant, Rajkumar, Nallasivam, and Sasi for the offence under Sections 296(b), 118(1), 351(3) of BNS. He further submitted that there has been a dispute between



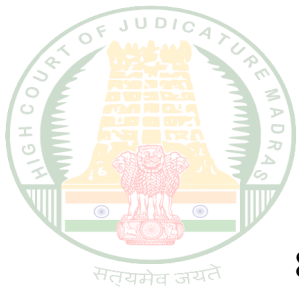
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Rajkumar and the 1st petitioner, and they also had a heated argument and exchange of words. Thereafter, the 1st petitioner had called his friends and attacked the de facto complainant. The de facto complainant was beaten very badly and the assault occurred in a public place. The investigation is at the initial stage, following the examination of other witnesses present at the scene of occurrence. Only their submissions will determine whether the petitioners' contention that the abuse occurred in a public place or in public view is valid.

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

7. Considering the facts and circumstances of the case, it is observed that though the assault on the de facto complainant allegedly occurred near the Solakkalipalayam bus stop at a late hour, there is no evidence in the complaint to indicate that he was intentionally insulted or humiliated with prohibitory words in public view. A fight between two individuals from different castes cannot be justified or permitted under the SC/ST Act.



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8. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. 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 Principal Sessions Judge, Erode**, on condition that the petitioners 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners 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 Suretyship [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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[d] the petitioners 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;

[e] the petitioners shall make himself available for interrogation by a Police office as and when required;

[f] the petitioners 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] the petitioners shall not abscond either during investigation or trial;

[h] 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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M.NIRMAL KUMAR, J.

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To

- 1.The Principal Sessions Judge, Erode.
- 2.The Deputy Superintendent of Police,
Perundurai Range, Erode.
- 3.The Inspector of Police,
Kodumudi Police Station,
Erode.
- 4.The Public Prosecutor,
Madras High Court, Chennai.

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