



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24840 of 2025

1. S.Raja @ Logeshraja

2. R.Kamalnath

Petitioners

Vs

1. The Deputy Superintendent of Police,
Erode Town,
Erode District.

2. State Represented by
Inspector of Police,
Erode Taluk Police Station,
Erode.

(Crime No.250 of 2025)

3. Yogeshwari

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of BNSS Act, 2023, to enlarge the Petitioners/Accused on Anticipatory Bail in the event of their arrest in Crime No.250 of 2025 pending investigation on file of the Respondent Police.

For Petitioners : Mr.Guruprasad Manoharan

For Intervenor : Mr.K.C.Karl Marx

For Respondents : Mr. S.Udayakumar

Government Advocate (Crl.side)



ORDER

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The petitioners, who apprehend arrest for the alleged offences under Section 194 of the BNSS, which was subsequently altered to Section 108 of the BNS r/w Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act in Crime No.250 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the informant who is the mother of two female children aged about 7 years and 11 months, belongs to the Schedules Caste Community. It is alleged that her husband, late Balasubramaniam, was employed as a Crane Operator in Sun Infra Easwari Industries, Erode, which is owned by the first petitioner. The grievance projected in the complaint is that the company compelled the deceased to work for longer hours, when he refused, he was expelled from employment and his salary of Rs.20,000/- was withheld.

3. During the time of her second delivery, the informant was residing at her parent's house for nearly one year. It is alleged that after losing his job, the deceased went into depression, and on 21.08.2025, at about 4.00 p.m., he visited his in-laws' house at Thottanisathiram and committed suicide by hanging. When the informant noticed through the window, she shouted and the neighbours rushed to the spot, cut the rope and shifted him to IRTT Medical College, where he was declared dead. Based on the said occurrence, the informant lodged a complaint before the second respondent police on 22.08.2025.



4. On receipt of the complaint, the second respondent initially registered a case in Crime No.250 of 2025 for the offence under Section 194 of the BNSS at 6.00 a.m., and subsequently it was altered to Section 108 of the BNS r/w Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act on the very same day i.e. 22.08.2025. Such hasty alterations clearly demonstrate mala fides and an abuse of the process of law. Relying upon the false complaint, the second respondent has mechanically registered the FIR without diligently analyzing the averments made therein, thereby causing serious prejudice to the petitioners. Hence the case.

5. The learned counsel for the petitioners submits that there are absolutely no materials to show that the petitioners had instigated or abetted the deceased to take away his life and they were not even aware of the deceased community status. He would further submits that the petitioners are innocent persons and they have been falsely implicated in this case and that they have not committed any offence as alleged in the F.I.R. Hence, he prayed for grant of anticipatory bail to the petitioners.

6. The learned counsel for the petitioners, in support of their submissions, placed reliance on the decisions in **Kiran Vs Rajkumar Jivraj Jain @ another** reported in **Special Leave Petition (CRL.)No.8169 of 2025** and the relevant paragraphs are extracted hereunder:-

“6.1. The absolute nature of bar, however, could be read and



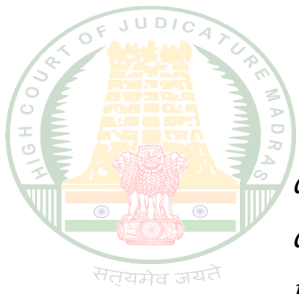
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has to be applied with a rider. In a given case where on the face of it the offence under Section 3 of the Act is found to have not been made out and that the accusations relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.

6.2. Non-making of prima facie case about the commission of offence is perceived to be such a situation where the Court can arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.

7. The learned counsel further relied upon the order in ***Crl.O.P(MD).No.17224 of 2019 dated 26.11.2019*** in the case of ***Dr.S.Ariharan and another Vs. The Inspector of Police, Thirumangalam Town Police Station, Thirumangalam, Madurai District and another*** and the relevant paragraph is extracted hereunder:-

“26. Though as on date, there is no FIR against the petitioners, they are having a legitimate apprehension that they may be arrested as and when the case based on the complaint of Mayammal is registered. Applying the principles laid down by the Hon'ble Supreme Court, I hold that the petitioners are entitled to the relief of anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangalam and on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for



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a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 of Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.”

8. Learned Government Advocate (Crl.Side) appearing for the respondent police would submits that initially FIR was registered under Section 194 subsequently, and on the very same day, the FIR was altered to Section 108 of BNSS and Section 3(2)(V) of SC/ST Act. He also opposed for grant of bail to the petitioners, reiterating the prosecution case.

9. The learned counsel for the intervenor / defacto complainant raised objection to grant bail stating that the deceased had committed suicide on account of discrimination of caste by the petitioners. Hence, the wife has given the complaint. She has also produced the video recordings incriminating the petitioners in the offence.

10. Heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate (Crl.side) for the respondent. This Court perused the materials available on record.

11. A perusal of the video produced by the defacto complainant would record the presence of the deceased's wife and the voice of his child. However,



no incriminating words appears to have been used by the petitioners and nor there is any abuse of caste name by the petitioners.

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12. Considering the nature of the complaint and custodial interrogation of the petitioners are not required for the investigation, however, this Court taking into consideration that the deceased who is the sole breadwinner of the family has committed suicide, leaving his wife and two children aged about 7 years and 11 months respectively, and there is no source of income for the deceased family and also this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

13. Accordingly, the petitioners are directed to **deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Crime No.250 of 2025 within a period of two weeks from the date of receipt of a copy of this order and the deceased wife/defacto complainant is permitted to withdraw the same without prejudice to the right and contentions**, and on such deposit, the petitioners are ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the *learned Principal District and Sessions Judge, Erode*, and on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[b] The petitioners are also directed to deposit another sum of Rs.1,00,000/- to the two children, i.e., Rs.50,000/- each in an interest incurring account and the said amount shall be withdrawn by the children on they attaining the majority without prejudice.

[c] the petitioners shall report before the respondent Police every Tuesday at 10.30 a.m., for a period of eight weeks;

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 petitioners 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]**;

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

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Index : Yes / No

Internet : Yes / No

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T.V.THAMILSELVI, J.

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To

1. The Principal District and Sessions Judge, Erode.
2. The Deputy Superintendent of Police,
Erode Town,
Erode District.
3. The Inspector of Police,
Erode Taluk Police Station,
Erode.
4. The Public Prosecutor, Madras High Court.

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