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Crl.O.P.No.25134 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.25134 of 2025

1. Neela
2. Surya Prabha
3. Jayakumar
4. Kannan

... Petitioners/ A1 to A4

Vs

1. The State rep. by,
The Assistant Commissioner of Police,
Selaiyur Range,
Tambaram Commissionerate.
2. The Inspector of Police,
Pallikaranai Police Station,
Tambaram Commissionerate.
(Crime No.479 of 2025)

3. Senthamil

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioners/accused in the event of their arrest in Crime No.479 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. R.C. Paul Kanagaraj
For M/s. C. Arivazhagan



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For R1 & R2

: Mr. S. Udayakumar
Government Advocate (Crl. Side)

: Mr. T. Shanmuga Boopathi
For Mr. N. Selvaraju

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 296(b), 115(2), 329(4) and 324(4) of BNS R/W. Section 3(1)(r) of SC/ ST Act in Crime No.479 of 2025 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Senthamil, third respondent herein lodged a complaint before the second respondent police stating that his father late Thangaraj had purchased a gramamatham property situated at Palikaranai village, Sholinganalur Taluk in Survey No.253/5 to an extent of 840 square feet from one Sriramulu for a valid consideration in the year 1991; that after the death of his father, the property devolved on the defacto complainant and he was enjoying the same; that while so, the husband of the first petitioner namely Rangan, who was then Councillor of Pallikaranai Town Panchayat, induced the revenue officers and created improper in the Field Measurement Book (FMB), as if



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no land belongs to the defacto complainant in that area and taking advantage of the same, the said Rangan obtained patta in his favour in order to encroach the above said property of the defacto complainant; that thereafter the defacto complainant made a representation dated 12.09.2022 and also initiated the writ proceedings against the revenue department in W.P.No.4059 of 2025 and this Court, vide order dated 13.02.2025 directed the authorities to conduct enquiry and take action regarding the petitioner's representation; that further the Tahsildar, without considering the defacto complainant's representation has removed the defacto complainant's property from the field map and added the same to the Rangan's property and to the nearby temple; that aggrieved over the same, the defacto complainant has also initiated proceedings before the RDO for cancellation of the patta issued in favour of the petitioners; that while the issue was pending between the parties, on 04.09.2025 at about 03:13 p.m., the petitioners along with his family members have entered into the second floor of the defacto complainant's building demolished the newly constructed bath room and assaulted the staff, who have engaged in the construction work; that while the same was questioned by the defacto complainant, the petitioners along with their family members abused the defacto complainant's community and scolded him that he is not equivalent



to them and the petitioners are the rulers of the place and they have given the place for the petitioner and to the people belongs to his caste. Hence, this case.

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3. The learned counsel appearing for the petitioners submitted that a false complaint has been lodged against the petitioners due to previous enmity regarding a property dispute and to avenge for personal vendetta. He further submitted that there is no mentioning of caste name attributed against the defacto complainant and no offences under SC/ST Act is made out, hence they have come forward with the anticipatory bail application since the same is not barred under Section 18(A) of the SC/ST Act. He further submitted that the allegation was levelled against one Rangan and his family members; that the said Rangan was died earlier on 10.05.2023, however the complaint was lodged with false averments, the name of Rangan is also been included; and that the petitioner are ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioners.

4. Per contra, the learned counsel for the intervener/ defacto complainant submitted that the petitioners had committed cruelty to the



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defacto complainant by abusing him by referring his community and the averments in the FIR is sufficient to show that the defacto complainant has been harassed and abused by the petitioners herein based on caste discrimination; that the act of petitioners caused insult and disrespect to the defacto complainant. He further submitted that the police have not properly registered the case and many facts have not been recorded by the police and in this regard they had lodged a separate complaint to the superior officers, hence opposed the grant of anticipatory bail to the petitioners on the ground of maintainability.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the anticipatory bail to the petitioners reiterated the prosecution case and submitted that the investigation of this case is just started and so far no one is arrested in this case.

6. I have considered the submissions made on either sides and perused the materials available on record:

7. The Three Bench Judge of the Hon'ble Apex Court in ***Kiran vs. Rajkumar Jivraj Jain and another [2025 INSC 1067]***, recently



summarizes the scope for entertaining the anticipatory bail petitions for the offences under SC/ST Act and after considering the previous judgment has

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held in paragraph No.6 as follows:

"6. In light of the parameters in relation to the applicability of Section 18 of the Act emanating from afore-discussed various decisions of this Court, the proposition could be summarised that as the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.PC, it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off.

6.1 The absolute nature of bar, however, could be read and 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 Page 19 of 23 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."



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8. In this case, on careful perusal of the averments made in FIR, it starts from narrating about the civil disputes taken place between the parties, subsequently, it is stated that after the defacto complainant enquired the petitioners and their family members regarding the demolition of construction in the second floor of his building by the petitioners, they scolded the defacto complainant by abusing his community and also stating that he is not equivalent to them and they are the rulers of the place and they only accommodated and allowed the petitioner and his caste members to stay in the place for the purpose of their survival.

9. It is also contended by the petitioners that Rangan was died on 10.05.2023 and in the complaint, it is baldly stated that Rangan and his family members abused the defacto complainant by stating insulting words and this averment is sufficient to hold that a false complaint was lodged against the petitioners. However, on perusal of the FIR, the complaint was lodged only against the family members of the said Rangan and the statement recorded from the defacto complainant shows that, though there is no calling of caste name, however there are averments, to hold that the petitioners herein abused the defacto complainant by comparing the defacto



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complainant with petitioners and claimed petitioners as rulers of the place and the defacto complainant and his caste members were allowed to stay there under the mercy of the petitioners; that the defacto complainant and his caste members are inferior and they are not equal to them. Further they also threatened the defacto complainant on the lines of caste discrimination, which causes insult and damaging the dignity of the defacto complainant, hence this Court is of the view that SC/ST Act case is made out against the petitioners and it is not the case of personal vendetta and there is *prima facie* case against the petitioners, therefore the petitioners are not entitled to maintain the anticipatory bail petition before this Court.

10. Accordingly, this criminal original petition stands dismissed.

16.10.2025

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To

1. The State rep. by,
The Assistant Commissioner of Police,
Selaiyur Range,
Tambaram Commissionerate.

2. The Inspector of Police,

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Pallikaranai Police Station,
Tambaram Commissionerate.
(Crime No.479 of 2025)

3. The Public Prosecutor,
High Court of Madras.

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K. RAJASEKAR, J.

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