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Crl.O.P.No.2690



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.26905 of 2025

Vijay Kumar Sistla

... Petitioner

-VS-

1.State Represented by

The Deputy Superintendent of Police (DSP) Office,
VOC Nagar, Chengalpattu – 603 001.

2.The Station House Officer – (Inspector),
Chengalpattu Taluk,
Police Station, Chengalpattu.

3.Shalini

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023,
pleased to enlarge the petitioner on bail in the event of his arrest in Crime No.511
of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Kamala Kumar

For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)

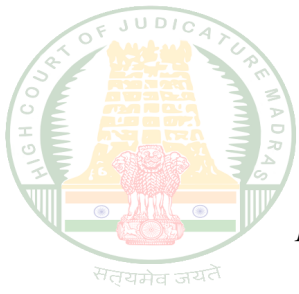


ORDER

WEB COPY The petitioner, who apprehends arrest for the alleged offences punishable under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act 1989 hereinafter) and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 1988, in Crime No.511 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that, false complaint is lodged based on personal vendetta since defacto complainant was not granted leave applied by her. The petitioner is her superior and he acted within rules and there is no discrimination as alleged in the FIR. By relying on the Judgment of Apex Court, in **2024 INSC 625, Shajan Skaria v. The State of Kerala & another**, submitted that, this petition is maintainable, though there is a bar contained in Section 18 of the 1989 Act. The Hon'ble Apex Court has held in paragraphs 49 and 50 as follows:

“49. In our opinion, the aforesaid is the only test that the court should apply, when an accused prays for anticipatory bail in connection with any offence alleged to have been committed under the provisions of the Act, 1989. In a given case, an accused may argue that although the allegations levelled in the FIR or the complaint do disclose the commission of an offence under the Act,



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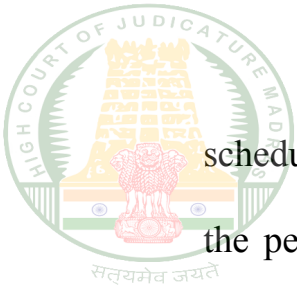
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1989, yet the FIR or the complaint being palpably false on account of political or private vendetta, the court should consider the plea for grant of anticipatory bail despite the specific bar of Section 18 of the Act, 1989.

50. The duty to determine *prima facie* existence of the case is cast upon the courts with a view to ensure that no unnecessary humiliation is caused to the accused. The courts should not shy away from conducting a preliminary inquiry to determine if the narration of facts in the complaint/FIR in fact discloses the essential ingredients required to constitute an offence under the Act, 1989. It is expected of the courts to apply their judicial mind to determine whether the allegations levelled in the complaint, on a plain reading, satisfy the ingredients constituting the alleged offence. Such application of judicial mind should be independent and without being influenced by the provisions figuring in the complaint/FIR. The aforesaid role of the courts assumes even more importance when a *prima facie* finding on the case has the effect of precluding the accused person from seeking anticipatory bail, which is an important concomitant of personal liberty of the individual.”

3. I have also gone through the entire FIR, wherein defacto complainant, has narrated various facts which *prima facie* established various kinds of harassment made on her, based on her caste. She further narrated that, her own colleagues were extended with various benefits including leave etc, whereas her request for extension of very same benefits denied to her since she belongs to



scheduled case. Apart from that, some other instances were also alleged against the petitioner herein. In view of the same, this Court is of the view that, the complaint was not filed based on private vendetta or false accusation, since the *prima facie* case made out in the FIR and no case of false accusation or personal vendetta is made out, I am of the view that the bar imposed by Section 18A of the SC/ST Act, is applicable, accordingly, this Criminal Original Petition is dismissed on the ground that same is not maintainable.

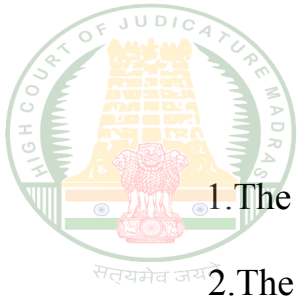
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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To



1.The Judicial Magistrate II, Chengalpet.

2.The Deputy Superintendent of Police (DSP) Office,
VOC Nagar, Chengalpattu – 603 001.

3.The Station House Officer – (Inspector),
Chengalpattu Taluk,
Police Station, Chengalpattu.

4.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.

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