



CRL OP NO. 31932 01 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CRL OP NO. 31932 OF 2025

Sundaramoorthi

...

Petitioner

Vs

State rep.by

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

2.The Inspector of Police,
Kanjikoil Police Station,
Erode District.
(Crime No.213 of 2025)

3.Poomani

...

Respondents

PRAYER: The criminal original petition filed under Section 528 of BNSS to direct the learned Principal District and Sessions Judge for SC/ST Act cases, Erode to consider the bail application filed by the petitioner on his surrender in connection with Crime No.213 of 2025 on the file of the 2nd respondent police on the same day.



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For petitioner	...	Mr.J.Ranjithkumar
For Respondent	...	Mr.K.M.D.Muhilan
Nos.1 & 2		Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the learned Principal District and Sessions Judge for SC/ST Act cases, Erode to consider the bail application filed by the petitioner on his surrender in connection with Crime No.213 of 2025 on the file of the 2nd respondent police on the same day.

2.The contention of the petitioner is that one Poomani of Nasiyanyur, lodged a complaint against the petitioner. According to the petitioner, when he demanded repayment of the loan taken by the de facto complaint and her relatives, a false narrative projected as though the petitioner demanded the loan amount by using force and



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intimidation. It is further alleged in the complaint that the petitioner abused the de facto complainant by uttering her caste name and called her to bed. The petitioner submits that these allegations are nothing but a figment of imagination and petitioner never used any such words. On a combined reading of the complaint and the materials, no offence under the SC/ST (prevention of Atrocities) Act is made out. Hence, filed this petition.

3.The learned Additional Public Prosecutor opposing the petitioner's contentions, submitted that the case has been registered against the petitioner for offences under Sections 296 (b) and 79 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1)(r) and 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989. According to the prosecution, the de facto complainant used to take loan from the petitioner, for herself and for her family members namely Revathi, Vasantha, Thavasiyammal,



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Sembaal and Radhamani and the total outstanding was Rs.2,91,000/-. Since the de facto complainant had fell from the bike, got injured and immobilised unable to repay the amount, the petitioner went to her residence, threatened her and abused her, on several occasions and he used threatened her over phone. It is further submitted that on 31.10.2025 at about 7.30 p.m, the petitioner called her over phone and threatened her and the de facto complainant produced a CD containing the audio recording of the conversation.

4. It is seen that there was some money dealings between petitioner and de facto complainant, the abusive words said to have been used when calling her over phone, admittedly it is one to one conversation and not in the public or in public view, considering specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration of the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the Learned Principal District and Sessions Judge for SC/ST Act cases,



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Erode, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.213 of 2025 on the file of the second respondent and pass appropriate orders in accordance with law, after affording due opportunity to the victims under Section 15-A of the SC/ST (POA) Act, 1989. The petitioner shall surrender before the Jurisdictional Court, within a period of fifteen days from the date of the receipt of a copy of this Order.

5. In view of the above, the Criminal Original Petition stands allowed.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

sms

Note: Issue order copy on 24.11.2025



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To

1. The Principal District and Sessions Judge for SC/ST Act cases,
Erode.
2. The Deputy Superintendent of Police,
Perundurai, Erode District.
3. The Inspector of Police,
Kanjikoil Police Station,
Erode District.
(Crime No.213 of 2025)
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR,J.,

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