



Crl.O.P.(MD)No.16649 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved On: 22.10.2025

Pronounced On: 11.11.2025

PRESENT

The HONOURABLE MRS.JUSTICE S.SRIMATHY

CRL OP(MD)No.16649 of 2025

Ramachandran

... Petitioner

Vs.

1.The State of the Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.

2.The State of the Tamil Nadu,
Through the Inspector of Police,
Maruvur Police Station,
Thanjavur District.
(Crime No.118 of 2025)

3.Manikandan

... Respondents

For Petitioner : Mr.R.L.Dhilipan Pandian

For R1 and R2 : Mr.S.S.Manoj
Government Advocate (Criminal side)

For R3 : Mr.S.Manoj Kumar

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-



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For Anticipatory Bail in Cr.No.118 of 2025 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 351(2) & 318(4) of BNS, Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Amendment Act, 2015, in Crime No.118 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is engaged in the business of brick making at Maruvur Village, had pawned various gold ornaments on different occasions with M.G. (A) Ramachandran (the petitioner herein), who is associated with Shiva Shakti Bankers Pawnshop at Achanur Village, Thiruvaiyaru Taluk, Thanjavur District, for substantial amounts between March 2022 and November 2022. It is alleged that when the defacto complainant approached to redeem the pawned jewels in January 2025, the said Ramachandran and others failed to return the same, gave evasive replies and subsequently lodged a false complaint against the defacto complainant before Maruvur Police Station in March 2025. The further allegation is that despite repayment of Rs.4,11,000/- towards the dues, only part of the jewels was returned and upon subsequent demand, the said



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Ramachandran not only refused to return the remaining jewels but also criminally intimidated the defacto complainant with threats to life and caste based abuse, thereby leading to registration of the present case. Hence, the apprehension of arrest. Hence, a case has been registered as against the petitioner.

3. The learned Counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence. He seeks this Court to grant anticipatory bail to the petitioner.

4. Since the FIR is filed under SC/ST Act also, notice was issued to defacto complainant and he had entered appearance through his counsel. The Learned Government Advocate (Crl. side) and the Learned Counsel appearing for the 3rd respondent submitted that the offences committed by the petitioner are serious in nature. Further submitted that the petitioner is not entitled to anticipatory bail since the case has been registered under SC/ST Act wherein the Act bar from granting anticipatory bail, hence the petition itself cannot be entertained and numbered. But the Learned Counsel appearing for the petitioner submitted that there is no bar in granting anticipatory bail. In view of the rival submissions the case was posted for maintainability.



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5. The Learned Counsel appearing for the petitioner submitted that prima facie if the FIR does not disclose the necessary ingredients to constitute the offence, then it ought to be construed that no offence is made out and then person is entitled to bail. The Learned Counsel appearing for the respondents submitted that the prima facie ought to be “in the first blush or in the first impression”. At anticipatory bail stage the Court cannot elaborately go into the ingredients of the offence.

6. In support of the arguments the petitioner had relied on Shajan Skaria Vs. State of Kerala and another reported in 2024 SCC OnLine SC 2249. In the said case the Hon’ble Supreme Court had framed the issue “whether Section 18 of the Act, 1989 imposes an absolute bar on the grant of anticipatory bail in cases registered under the said Act?” and had held that the same would dependent on whether there is prima facie case is made out or not. And the relevant portion is extracted hereunder:

“46. The aforesaid discussion indicates that the term ‘arrest’ appearing in the text of Section 18 of the Act, 1989 should be construed and understood in the larger context of the powers of police to effect an arrest and the restrictions imposed by the statute and the courts on the exercise of such power. Seen thus, it can be said that the bar under Section 18 of the Act, 1989 would apply only to those cases where prima



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facie materials exist pointing towards the commission of an offence under the Act, 1989. We say so because it is only when a prima facie case is made out that the pre-arrest requirements as stipulated under Section 41 of CrPC could be said to be satisfied.”

From the above it is evident that there is no absolute bar and the same is dependent on the fact “whether prima facie the offence is made out”. Therefore, the objection raised by the defacto complainant and the Government Advocate (Crl. Side) is rejected. Consequently, this Court is of the considered opinion that the petition is maintainable.

7. In the present case it ought to be considered whether there is any prima facie case. The Learned Government Advocate relied on Kiran Vs Rajkumar Jivraj Jain and another reported in 2025 Live Law (SC) 869 wherein it is held that on reading the FIR if on first blush or by first impression it can be concluded that the offence is committed then bail cannot be granted. The Learned Counsel appearing for the petitioner submitted that the judgment rendered in Shajan Skaria stated supra had dealt with the phrase prima facie elaborately, wherein it is held as under:

“47. Prima facie is a Latin term that translates to “at first sight” or “based on first impression”. The expression “where no prima facie



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materials exist warranting arrest in a complaint or FIR” should be understood as “when based on first impression, no offence is made out as shown in the FIR or the complaint”. This means that when the necessary ingredients to constitute the offence under the Act, 1989 are not made out upon the reading of the complaint, no case can be said to exist prima facie.”

The Hon’ble Supreme Court further held that the only test that the Courts ought to apply while considering the pre-arrest bail is whether there is prima facie case is made out and the same ought to be seen whether the ingredients of the provisions are attracted.

8. In the present case the sections that are invoked against the petitioner is sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act. First the section sections 3(1)(r), 3(1)(s) shall be considered. The relevant provisions are extracted hereunder:

3. Punishments for offences atrocities. — 3[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(a) ...

(r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;

(t) ...



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As far as the allegations in FIR is concerned that the defacto complainant went to the petitioner / accused house and demanded the jewels. When the occurrence had happened in the house then the ingredient “public view” may not be there. Therefore, this Court is of the considered view that the sections 3(1)(r), 3(1)(s) may not be attracted and the prima facie case under sections 3(1)(r), 3(1)(s) are not made out.

9. The next allegation against the petitioner is under section 3(2)(va) and the relevant portion is extracted hereunder:

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—

(i)...

(va). commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;

(The sub clause (va) was amended by Act 1 of 2016 with effect from 26.01.2016)

The aforesaid section is applicable whenever the IPC sections stated under the schedule are attracted. In the present case the IPC sections invoked are 296(b),



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351(2) and 318(4) of BNS which are equal to 294, 506 and 420 IPC. The said sections of 294, 506 and 420 IPC are not stated in the said schedule. When the sections stated in the schedule are not attracted, then the section 3(2)(va), may not be attracted. Therefore, this Court is of the considered opinion that the prima facie case under section 3(2)(va) was not attracted, consequently the petitioner is entitled to anticipatory bail.

10. For the reasons stated supra and considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on condition that the petitioner 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 1st Additional District Magistrate (PCR) Court, Thanjavur District, within a period of fifteen days from the date of receipt of a copy of this order and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.



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[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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].

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

11.11.2025

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1. The 1st Additional District Magistrate (PCR) Court,
Thanjavur District.
2. The Deputy Superintendent of Police,
Thiruvaiyaru Sub Division,
Thanjavur District.
3. The Inspector of Police,
Maruvur Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.



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S.SRIMATHY,J

TMG

ORDER
IN
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