



CrI.O.P.No.5002 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.5002 of 2026

R.K. Rajeswari

... Petitioner

Vs.

State of Tamil Nadu rep., by

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

2.The Inspector of Police,
Erode Taluk Police Station,
Erode District.
(Crime No.44 of 2026)

3.Chinnusamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 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.44 of 2026 on the file of the 2nd respondent police on the same day.

For Petitioner : Mr. J. Ranjith Kumar

For Respondents: Mr. Leonard Arul Joseph Selvam, for R1 & R2
Additional Public Prosecutor



ORDER

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The Criminal Original Petition has been filed seeking a direction to the 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.44 of 2026 on the file of the 2nd respondent police on the same day.

2. The petitioner / A2 in Crime No.44 of 2026 for the offence under Section 3(1)(r) of SC/ST (POA) Act, 1989 has filed this petition seeking a direction to the Principal District and Sessions Judge for SC/ST Act Cases, Erode, to consider the bail application on the day of his surrender.

3. The contention of the petitioner is that the petitioner and the defacto complainant are neighbours and both were allotted lands by the Tamil Nadu Housing Board. There arose a dispute with regard to the allotted portions, and the defacto complainant made a complaint alleging that the petitioner had encroached upon the land allotted to him. Earlier, in this regard, the defacto complainant had lodged a complaint before the Housing Board. The Engineers of the Housing Board conducted a spot inspection and measured

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the land and directed that the encroachments be removed. This dispute has been continuing from the year 2022 onwards. On 21.01.2026, a portion of the window was removed, which according to the defacto complainant was encroaching upon his property. With regard to the remaining portion of the land, there was a dispute concerning the removal of encroachments, and consequently a complaint has been given. The petitioner and the defacto complainant are neighbours and are well aware of each other's social status, as they have been residing in the same locality. A purely civil dispute has been given a communal colour and a complaint has been lodged. Hence, the present petition has been filed.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on the other hand, submitted that on the complaint of the defacto complainant, a case came to be registered on 08.02.2026 in Crime No.44 of 2026. The defacto complainant was allotted a Housing Board plot in the year 2019 on the SC Quota.

4.1. The petitioner and the another neighbour were not maintaining a cordial relationship with the defacto complainant for the reason that the defacto complainant belongs to Scheduled Caste community, and there have



been encroachments on the defacto complainant's property. From the year 2019 onwards, the defacto complainant has been running from pillar to post by submitting complaints to the Housing Board and other authorities regarding the encroachments and also about the social discrimination caused by the petitioner.

4.2. Finally on 21.01.2026, a dispute arose and the petitioner had removed only a portion of the encroachment and not the entire encroachment. Hence, a complaint was lodged. An FIR has been registered and the investigation is in progress.

5. It is seen that the petitioner and the defacto complainant are neighbours and have been residing in the plots allotted in the year 2019. There is a dispute with regard to the extent of the land allotted and the land available. The defacto complainant's case is that the petitioner has encroached upon her property and after inspection, only a portion of the encroachment has been removed, which appears to be the primary dispute between the parties.



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6. In view of the same, this Court is of the opinion that the dispute appears to be primarily civil in nature and that the alleged occurrence does not disclose any abuse in a place within public view.

7. In view of the above, there shall be direction to the Principal District and Sessions Judge for SC/ST Act Cases, Erode to consider the bail application of the petitioner preferably on the same day of his surrender in connection with Crime No.44 of 2026.

8. Accordingly, this Criminal Original Petition stands allowed.

04.03.2026

Neutral Citation: Yes/No

AT

Note: Issue order copy on 05.03.2026



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M.NIRMAL KUMAR, J.

AT

To

1.The Principal District and Sessions Judge for SC/ST Act Cases,
Erode.

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

3.The Inspector of Police,
Erode Taluk Police Station,
Erode District.

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