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CRL OP No. 8908 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8908 of 2026

R.Prabhakaran

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police
Salem.
2. The State,
Rep. By the Inspector of Police
Valapadi Police Station, Salem.
3. P.Nithya

..Respondent(s)

Criminal Original Petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to enlarge the petitioner in the Crime No.91 of 2026 by the 2nd respondent police pending investigation on the file of the respondent.

For Petitioner(s):

Ms.Malathi J

For Respondent(s):

Mr.P.Dhileepan
Government Advocate
(Criminal Side) For R1 & R2



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for offences punishable under Sections 296(b), 115(2), and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, read with Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in Crime No. 91 of 2026, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant alleges the petitioner publicly insulted her by uttering derogatory caste-based slurs and criminal threats. On these allegations, the present FIR has been registered.

3. The learned counsel for the petitioner would submit that the allegations are patently false, fabricated, and motivated by a pre-existing civil dispute between the parties. He further submits that the petitioner has already lodged a counter-complaint against the husband of the defacto complainant regarding a separate incident. It is contended that the present criminal proceedings have been initiated as a retaliatory measure to settle personal scores. He further states that since the complaint is a result of "mala fide" intentions arising from a civil dispute, the statutory bar under Section 18 of the SC/ST Act should not prevent the grant of relief, and thus, he seeks anticipatory bail.



4. The said contention was strongly opposed by the learned Government Advocate (Criminal Side) appearing for the respondent/Police, who submitted that the petitioner used derogatory caste-based slurs in a public place, thereby wounding the dignity of the defacto complainant. Furthermore, he submitted that the investigation is at a nascent stage and the petitioner's custodial interrogation is necessary to prevent the intimidation of witnesses and to maintain social harmony in the locality. On these grounds, he vehemently opposed the grant of anticipatory bail.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side.

6. Taking into consideration the totality of the circumstances and the nature of the allegations, this Court finds that there is a prima facie case made out against the petitioner under the SC/ST (Prevention of Atrocities) Act. The petitioner's contention regarding a civil dispute and a counter-complaint is a matter for trial and does not automatically override the statutory bar under Section 18 of the Act. In view of the gravity of the alleged caste-based slurs uttered in public view and the need to protect the defacto complainant from potential intimidation, this Court is of the opinion that custodial interrogation is necessary for an effective investigation. Consequently, this Court is not inclined to grant anticipatory bail at this stage.



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7. Accordingly, the Criminal Original Petition is dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

- 1.The Special Court for SC/ST Act Judge, Salem.
- 2.The Deputy Superintendent of Police, Salem.
- 3.The Inspector of Police, Valapadi Police Station, Salem.
- 4.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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