



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12525 of 2026

1. Munirathinamma
W/o. Mallappa,
No. 1/32, Hosapuram, J Karupalli,
Hosapuram, Denkanikottai,
Krishnagiri District - 635 113
2. C.Manjunath
S/o. Chinnappa,
No.1/206, H Settipalli,
Karupalli, Settipalli,
Karupalli Post,
Krishnagiri - 635 113.
3. M.Akash
S/o. Muniraj,
No. 2/59, H Chettipalli,
J Karupalli, VTC Hosapuram,
Karupalli Post, Denkanikottai,
Krishnagiri District - 635 113.

..Petitioner(s)

Vs

The Sub Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District
Crime No.0109 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in the event of their arrest by the Respondent Police in Crime No. 0109 of 2026 subject to such conditions as this Hon'ble Court may deem fit to impose and thus render Justice.



For Petitioner(s):

For Respondent(s):

Mr.C.Santhoshkumar

Ms.R.S.Indira

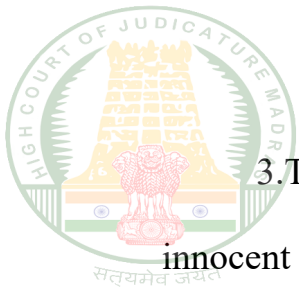
GOVT.ADVOCATE (CRL.SIDE)

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ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS, 2023 and Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2025, in Crime No.0109 of 2026 seek anticipatory bail.

2.The prosecution alleges that a 20-year-old property dispute between the defacto complainant, a coolie, and the first accused led to a violent confrontation on April 6, 2026. Following an initial oral argument at 7:00 PM that was defused by neighbors, all the accused re-engaged at 11:00 PM by hurling verbal abuses. The first and second accused made casteist remarks, and the first accused assaulted the defacto complainant with a wooden log. When the complainant's wife intervened, she was beaten by the second accused, and the first and second accused further abused the defacto complainant's eldest daughter. Due to severe pain, the defacto complainant and his wife were admitted in Denkanikottai Government Hospital the following night, prompting the respondent police to record their statements and register the case.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons who have not committed any offence as alleged by the prosecution. He contended that the defacto complainant filed a false complaint against the petitioners with malicious allegations and an ulterior motive, resulting in their false implication in this case. He further submitted that the entire case of the prosecution is nothing but a concocted story, and the allegations made in the FIR do not *prima facie* constitute any offence or make out any case against the petitioners. Therefore, the petitioners have been implicated in this case without any basis. Hence, he prayed for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution's case and, upon instructions, reported that there are a total of four accused in this case and that the petitioners are ranked as A2, A3, and A4. He further submitted that, due to a property dispute, the petitioners along with other accused abused and assaulted the defacto complainant and his family members, as a result of which the defacto complainant's wife sustained grievous injuries. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. There is a *prima facie* materials available against the 1st petitioner/Munirathinamma under SCST Act, therefore the anticipatory bail



application is not maintainable and however, as rightly contented by the learned counsel for the petitioner, as against the 2nd and 3rd petitioner, there are no material to bring any of the offence under SCST Act. At this juncture, it is also relevant to refer the judgment of the Hon'ble Supreme Court reported in 2026 SCC online SC 834, where the Hon'ble Supreme has clearly held that if there is no material in the FIR to bring the ingredient then the anticipatory bail application is maintainable. While perusing the FIR, there are no materials as against the 2nd/C.Manjunath and 3rd/M.Akash petitioners. Therefore, this Court is of the firm view that this petition may be allowed as against the 2nd and 3rd petitioners, as their custodial interrogation is not required. **However, as against the 1st petitioner/Munirathinamma, this petition is dismissed.**

6. Accordingly, the 2nd & 3rd petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Principal Sessions Judge, Krishnagiri, on condition that the 2nd & 3rd petitioners shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the 2nd & 3rd petitioner(s) fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The 2nd & 3rd petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation before the respondent police;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the 2nd & 3rd petitioner(s) in accordance with law as if the conditions have been imposed and the 2nd & 3rd petitioner(s) released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the 2nd & 3rd petitioner(s) thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

05-06-2026

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To

1.The Sub Inspector of Police, Kelamangalam Police Station,
Krishnagiri District.

2.The Principal Sessions Judge, Krishnagiri.

3.The Public Prosecutor, High Court, Madras.



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C.KUMARAPPAN, J.

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