



WEB COPY



CRL OP(MD) No.4678 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	17.03.2026
Pronounced On	:	23.03.2026

CORAM

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.4678 of 2026

and

Crl.M.P.(MD).No.5110 of 2026

1.K.Ganapthi

2.G.Gomathi

... Petitioners

Vs

The State of Tamil Nadu
Rep by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
(Cr.No.48 of 2025)

... Respondent

PRAYER:- This petition has been filed under Section 482 of BNSS, 2023 to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.48 of 2025 on the file of the Inspector of Police, All Women Police Station, Ambasamudram, Tirunelveli District.



WEB COPY



CRL OP(MD) No.4678 of 2026

For Petitioners : Mr.R.Anand

For Respondent : Mr.B.Nambi Selvam
Additional Public Prosecutor

For Intervenor : Ms.R.Chinna Ponnu

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 81 of BNS, (493 of IPC), and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989, in Crime No.48 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The petitioners are the parents of A1. The prosecution case, in brief, is that A1 developed acquaintance with the de facto complainant, who is a nurse employed in a private hospital, which subsequently culminated in a romantic relationship and consensual physical intimacy. The said relationship was later disclosed to the family members of A1, namely, the present petitioners, who allegedly proceeded to arrange the marriage and conducted a betrothal ceremony at the residence of the de facto complainant. Subsequently, disputes arose between the parties. It is alleged that when the de facto complainant approached the petitioners to enquire about the marriage proposal, the



CRL OP(MD) No.4678 of 2026

petitioners abused her by referring to her caste name, leading to the registration of the present FIR for offences under the relevant provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.The learned counsel for the petitioners submitted that the present case falls within the exceptional category where anticipatory bail is maintainable notwithstanding the bar under Section 18 of the said Act. It is contended that the betrothal ceremony had, in fact, taken place, and due to subsequent misunderstandings and some discord, a false complaint has been lodged. The specific allegation regarding caste-based abuse on 01.11.2025 at about 5:30 p.m. is denied. In support of the said contention, reliance is placed upon the judgments of the Hon'ble Supreme Court in the case of ***Rahna Jalal vs State of Kerala and another*** reported in ***2021 (1) SCC 733***, the Hon'ble Three Judges Bench of the Supreme Court and also in the case of ***Shajan Skaria vs. State of Kerala and another*** reported in ***2024 SCC Online SC 2249*** wherein it has been held that there is no absolute bar to the grant of anticipatory bail if no prima facie case is made out.

4.Per contra, the learned counsel for the de facto complainant, contended that the petition is not maintainable in view of the statutory bar, and that A1



CRL OP(MD) No.4678 of 2026

had induced the de facto complainant into a physical relationship under the false promise of marriage, and thereafter, the family members, including the petitioners, refused to proceed with the marriage after the betrothal, thereby attracting the provisions of the special enactment. The learned Additional Public Prosecutor also opposed the petition, submitting that the investigation is at a nascent stage.

5. Upon perusal of the FIR, it is evident that the de facto complainant, aged about 40 years, had a consensual relationship with A1. It is further seen that the petitioners had agreed to the marriage and had conducted the betrothal ceremony at the residence of the de facto complainant. The sole allegation, insofar as the present petitioners are concerned, is that they abused the de facto complainant citing her caste name.

6. Whether such utterance was made, and the veracity of the allegation, are matters to be tested during trial. At this stage, considering the background of the relationship between the parties, the conduct of the petitioners in proceeding with the betrothal ceremony, and the nature of the allegations, this Court finds that a prima facie case for invoking the bar under Section 18 of the Act is not made out.



CRL OP(MD) No.4678 of 2026

7. In view of the legal position laid down by the Hon'ble Supreme Court in the aforementioned decisions, ie, **2021 (1) SCC 733 and 2024 SCC Online SC 2249**, this Court is inclined to grant anticipatory bail to the petitioners, subject to conditions. Accordingly, the petitioners shall be released on bail in the event of arrest, on condition that they should report before the respondent police for a period of fifteen days, and comply with such other conditions as imposed by this Court hereunder:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, on condition that the petitioners 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 Learned Judicial Magistrate, Ambasamudram, Tirunelveli District within a period of fifteen days from the date on which the order made ready and on further conditions that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of fifteen days (15 days) and thereafter, as and when required.

[c] the petitioners shall not tamper with the evidence or influence the



CRL OP(MD) No.4678 of 2026

witnesses either during investigation or trial.

WEB COPY [d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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.

Consequently, connected criminal miscellaneous petition is closed.

23.03.2026

sbn

To

1. The Judicial Magistrate,
Ambasamudram, Tirunelveli District.
2. The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

6/7



Madurai.

WEB COPY



CRL OP(MD) No.4678 of 2026

K.K.RAMAKRISHNAN.J,

sbn

CrI.O.P(MD).No.4678 of 2026
and
CrI.M.P.(MD).No.5110 of 2026

23.03.2026