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CRL OP No. 25128 of 2



Order QR

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: -09-2026**

**CORAM**

**THE HON'BLE MR.JUSTICE N.RAMESH**

**CRL OP No. 25128 of 2026**

CNR: {HCMA012101192026}



Case QR

1. Mr Govindaraj
2. Ms.Saranya
3. Ms.D.Panchami

..Petitioner(s)

Vs

The State Represented by,  
Inspector of Police  
Uthukuli Police Station,  
Tiruppur District.  
(Crime No.0419 of 2025)

..Respondent(s)

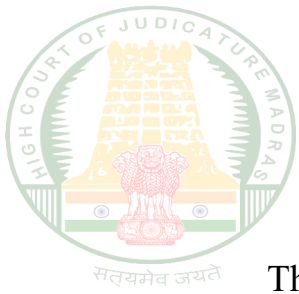
**PRAYER:** This criminal original petition filed under Section 482 BNSS Act to enlarge the petitioners on anticipatory bail crime No.419 of 2026, dated 27.08.2026 under sections 296(b) and 115(2) of the BNS, 2023, sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 and section 4 of the Tamil Nadu Prohibition of Harassment of Women act, 2002 on the file of the inspector of Police, Uthukuli Police Station, Tiruppur District.

For Petitioner(s):

Mr.V.Raghavachari  
Senior counsel  
for Mr.V.Balasubramani

For Respondent(s):

Mr.R.Rajasekaran,  
Govt.Advocate (Crl.Side)



## **ORDER**

The petitioners are arrayed as A1 to A3 in Crime No.419 of 2026 on the file of the Inspector of Police, Uthukuli Police Station, Tiruppur District, registered on 27.08.2026 for offences under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SC/ST Act") and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998. They seek anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The prosecution case, as set out in the first information report and in the statement of the de facto complainant recorded in it, is this. The complainant, Keerthika, aged 25, an engineering graduate, has worked for about two and a half years as a system programmer in Sri Vaari Knitwear, a garment concern of the first petitioner. The concern has two units, one at Palayakadu, Tiruppur and the other at Goundampalayam, Uthukuli, and the staff work in both by turns. About five months earlier she had told the first petitioner's wife that he had been speaking to the second petitioner, who is the Human Resources officer of the concern, and there was trouble in his family on that account. On 26.08.2026 the first petitioner asked her to bring his laptop, his bag and a programme sheet from the Palayakadu unit to the Uthukuli unit. At about 18.00 hours she took them to his room in B Block of the concern at Goundampalayam



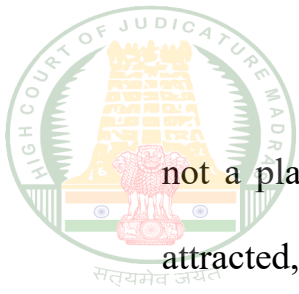
and handed them over. She set a programme on the laptop and taught it to one Praveen, who then left. One Rizwan came into the room and asked for her mobile phone, and she gave it. Seeing in it the number of the first petitioner's daughter saved under a pet name, the first petitioner asked her why she had telephoned his daughter so often and told her that his family had been ruined because of her. She answered that she looked upon the girl as a younger sister. He then abused her by her caste name, calling her a beef-eating Paraiya caste dog who should never have been allowed into his house, and a prostitute who had ruined his family, and struck her with his hand on the left cheek and on the left upper lip, which bled. Asking whether his wife and his daughter belonged to her caste, he struck her on the upper lip again, and the tip of a tooth broke. She cried out in pain. The second petitioner and the third petitioner, whom she describes as the relative of the second petitioner, came into the room, abused her in filthy words, asking what jungle dog she was that they had taken into employment, and beat her on the left cheek and on her arms. Her mobile phone would not open, and when she refused to place her thumb on it, the three of them held her, pressed her hand and forced her thumb impression. On her screaming for help, six employees whom she names came into the room. One of them took her home. She informed her parents, and on the morning of 27.08.2026 she was admitted in the Government Medical College Hospital, Tiruppur. On intimation of assault from the hospital, the Sub Inspector of Police recorded her statement there and registered the case at 23.00 hours on



27.08.2026. The complainant added in her statement that she had, in her panic, first told the hospital that the occurrence was at the Palayakadu unit, and that it was in fact at B Block of the Uthukuli unit.

3. The instructions furnished by the respondent record that eight witnesses have been examined, that none of the petitioners has been arrested and that there is no previous case against them. They describe the first petitioner as belonging to the Mudhaliyar community, the second petitioner to the Hindu Paraiyar community, a Scheduled Caste, and the third petitioner to the Nayar community, a forward community. The instructions state that the complainant was admitted in hospital on 26.08.2026 and was an inpatient when they were prepared, while her statement in the first information report speaks of her admission on the morning of 27.08.2026.

4. The learned counsel for the petitioners submitted that the complaint is a counterblast: the complainant had taken the mobile phone of the second petitioner, and when she was confronted, she set up this case to forestall a complaint of theft. The occurrence is said to have taken place at 18.00 hours on 26.08.2026, but the first information report was registered only at 23.00 hours on 27.08.2026, and the delay of over 29 hours is unexplained. The complainant told the medical authorities that the occurrence took place at the Palayakadu unit and later shifted it to the Uthukuli unit. The occurrence, if any, took place inside the Managing Director's room in B Block, an enclosed office, which is



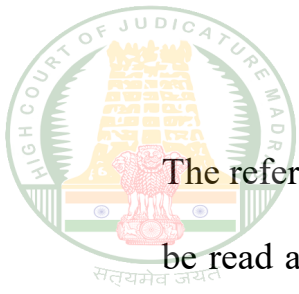
not a place within public view; Sections 3(1)(r) and 3(1)(s) are therefore not attracted, and the bar under Section 18 of the SC/ST Act does not apply. No specific overt act is attributed to the second and third petitioners, who have been roped in only because of their association with the first petitioner. The allegation that the complainant was forced to place her thumb impression on a phone is improbable. The second and third petitioners belong to a Scheduled Caste and cannot be proceeded against under the SC/ST Act. The petitioners undertake to cooperate with the investigation.

5. The learned Government Advocate (Criminal Side), on instructions, opposed the petition as regards the first petitioner. He submitted that specific words of caste abuse are attributed to the first petitioner, that the complainant had to be hospitalised and that the investigation is in progress. He did not seriously oppose the petition as regards the second and third petitioners. No counter affidavit has been filed.

6. I have considered the rival submissions and perused the material placed before me.

7. The first question is whether the petition is maintainable. Section 18 of the SC/ST Act reads:

*"Nothing in Section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act."*



The reference to Section 438 of the Code of Criminal Procedure, 1973 is now to be read as a reference to Section 482 of the BNSS, which re-enacts it. The bar does not operate where the complaint does not make out a prima facie case under the Act, as held in **Prathvi Raj Chauhan v. Union of India, (2020) 4 SCC 727**, where the Supreme Court said, at paragraph 11:

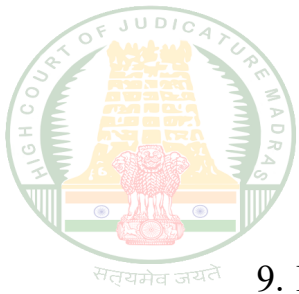
*"Concerning the applicability of provisions of Section 438 CrPC, it shall not apply to the cases under the 1989 Act. However, if the complaint does not make out a prima facie case for applicability of the provisions of the 1989 Act, the bar created by Sections 18 and 18-A(i) shall not apply."*

Whether a prima facie case is made out is to be judged by asking whether the ingredients of the offence are disclosed on a plain reading of the complaint and the materials on which it rests, as held in **Shajan Skaria v. State of Kerala, 2024 INSC 625**. Where the accusations are specific, the bar is absolute, and the Court is not to travel into the evidentiary realm; the contents of the first information report are decisive, as held in **Kiran v. Rajkumar Jivraj Jain, 2025 INSC 1067**.

8. The bar operates person by person. Section 18 speaks of the arrest of

*"any person on an accusation of having committed an offence under this Act".*

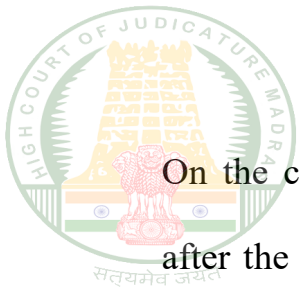
Where several accused join in one petition, the question has to be asked of each of them. The sections entered in the first information report do not answer it for all of them together.



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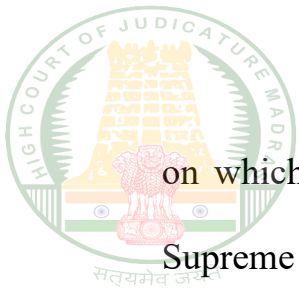
9. I take the **second petitioner** first. Section 3(1) and Section 3(2) of the SC/ST Act both open with the words "Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe". An offence under Sections 3(1)(r), 3(1)(s) or 3(2)(va) can be committed only by a person who is not a member of a Scheduled Caste or a Scheduled Tribe. The respondent's own instructions record that the second petitioner belongs to the Hindu Paraiyar community, a Scheduled Caste. On that footing, none of the offences under the SC/ST Act entered in the first information report can be laid against her, whatever the allegation. There is no accusation against her of an offence under the Act within the meaning of Section 18. The words attributed to her in the complainant's statement, offensive as they are, carry no caste name. The bar is not attracted, and the petition is maintainable as regards the second petitioner.

10. As regards the **third petitioner**, the record does not agree with itself. The instructions describe her as belonging to the Nayar community, and she claims to belong to a Scheduled Caste. No community certificate has been placed before me. During the hearing a photocopy of an affidavit dated 31.08.2026, said to have been sworn by the father of the third petitioner, was produced, in which he states that he and his children belong to the Hindu Parayan (Scheduled Caste) community and that he has no documentary evidence to prove it. I do not propose to decide her community in this petition.



On the complainant's own statement, the third petitioner came into the room after the words of caste abuse had been spoken, abused her in filthy language which carries no caste name, beat her and joined in forcing her thumb impression. Sections 3(1)(r) and 3(1)(s) are therefore not attracted to her. Section 3(2)(va) requires that the scheduled offence be committed knowing that the victim is a member of a Scheduled Caste, and no such knowledge is attributed to the third petitioner in the first information report. On a plain reading of the prosecution case, the ingredients of an offence under the SC/ST Act are not disclosed against her. The bar is not attracted, and the petition is maintainable as regards her also. Whether she belongs to a Scheduled Caste is a matter for the investigating officer.

11. The position of the **first petitioner** is different. Words of caste abuse are attributed to him in terms, and they were spoken, on the complainant's statement, while he was striking her. The contention that the occurrence was not within public view rests on the place being his room in B Block of the concern. The first information report does record the place of occurrence as that room. But the complainant's statement is that one Rizwan was in the room when the words were spoken, and that on her screaming six other employees came in. Whether the place was one where members of the public could see or hear what passed is a question of fact on which the investigation is yet to gather material, and I do not decide it. **Ramkrishna Chauhan v. State of U.P., 2026 INSC 895,**



on which the petitioners relied, does not assist them at this stage. There, the Supreme Court reiterated, at paragraph 11, that *"to be a place 'within public view', the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim"*, and set aside a summoning order under Sections 3(1)(r) and 3(1)(s). It did so after the final report had been filed, on the first information report, a site plan prepared by the investigating officer showing an enclosed room with no window or public access, and statements of witnesses which did not show that they had heard any caste-based words; and it found that no specific caste-based words had been attributed to the accused. Here the investigation is at an early stage, there is no site plan, and the words attributed are specific and are by caste name.

12. There is a further reason why the bar applies to the first petitioner. Section 3(2)(va) does not require that the offence be committed within public view. It is attracted where a person commits an offence specified in the Schedule against a member of a Scheduled Caste, knowing that such person is a member of a Scheduled Caste. The Schedule includes Section 323 of IPC, which is re-enacted as Section 115(2) of BNS. The accusation is that the first petitioner struck the complainant on the face with his hand, causing bleeding and breaking the tip of a tooth, and that he used her caste name as he did so. The use of the caste name shows, at first sight, that he knew her community. The ingredients of Section 3(2)(va) are disclosed on the face of the prosecution case.



There is, therefore, an accusation against the first petitioner of an offence under the SC/ST Act, and Section 18 applies to him.

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13. The remaining grounds urged for the first petitioner do not alter this.

The plea that the complainant had taken the second petitioner's phone finds no reflection in the first information report, which speaks of the complainant's own phone and of her thumb impression being forced upon it; no complaint of theft is shown to have been lodged; and the plea is the petitioners' version, to be tested in the investigation. On the time taken to register the case, the complainant was taken home on the evening of the occurrence, was admitted in hospital the next morning, and her statement was recorded in the hospital on the intimation sent by it; the sequence is explained on the face of the record, and the effect of the time taken, if any, is for the trial. The change in the place of occurrence is explained in the statement itself. The allegation about the thumb impression is part of the complainant's statement, and its probability is a matter of evidence. To examine these grounds would be to enter the evidentiary realm, which is not permitted at this stage, as held in **Kiran v. Rajkumar Jivraj Jain** (cited supra). The petition is not maintainable as regards the first petitioner. It is open to him to seek bail before the Special Court in accordance with law.

14. The petition being maintainable as regards the second and third petitioners, the next question is whether relief should be granted to them. They are not accused of any offence under the SC/ST Act that the law permits to be



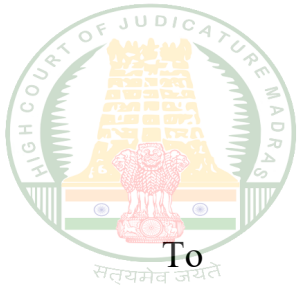
laid against them. The protection of Sections 15A(3) and 15A(5) of that Act is the protection of a victim of an offence under the Act in proceedings concerning that offence. The prayer of these two petitioners concerns only the offences under Sections 115(2) and 296(b) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act.

15. The second and third petitioners are women employed in the concern, of whom there is no previous case. No word of caste abuse is attributed to either of them. The offences alleged against them are triable as ordinary offences, and the material to be gathered is the account of the complainant, the medical record and the accounts of the employees who were in the premises, of whom eight have already been examined. They undertake to cooperate with the investigation. The respondent does not seriously oppose their prayer. I do not find that their custodial interrogation is required.

**16. The petition is dismissed as not maintainable as regards the first petitioner and allowed as regards the second and third petitioners.**

**-09-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
VV



To

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1. Judicial Magistrate, Tiruppur.

2. The Inspector of Police  
Uthukuli Police Station,  
Tiruppur District.

3. The Public Prosecutor  
High Court, Madras.



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Order QR

**N.RAMESH, J.**

**VV**

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