



Crl.O.P(MD)No.1489 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1489 of 2026

1.R.Ashok Kumar
2.P.Ramasamy

... Petitioners/A1 & A2

Vs.

1.The State of Tamil Nadu,
Rep.by the Deputy Superintendent of Police,
Andipatti Sub Division, Andipatti,
Theni District.

2.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.291/2025)

... Respondents/Complainant

3.S.Subburaj

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Special Court of SC/ST(POA) Act (Sessions Judge), Theni to accept the surrender of the petitioners and consider their bail application on the same date itself in connection with the case in crime No.291 of 2025 on the file of the 2nd respondent police.

For Petitioners : Mr.M.Chellapandian



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For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to direct the Special Court of SC/ST(POA) Act (Sessions Judge), Theni to accept the surrender of the petitioners and consider their bail application on the same date itself in connection with the case in crime No.291 of 2025 on the file of the 2nd respondent police.

2. Considering the nature of the relief sought for, notice to the 3rd respondent is dispensed with.

3. The case of the prosecution is that the petitioners are conducting pawn broking business under the name and style of “Karpagavinayagam Pawn Broker Shop” at Kadamalaikundu, Theni District. It is stated that during the year 2023, the *defacto* complainant pledged gold jewellery weighing approximately 5½ sovereigns with the petitioners and availed a loan of Rs.80,000/-. It is further alleged that when the *defacto* complainant approached the petitioners in January



2024 for redemption of the pledged jewels, the 1st petitioner informed him that due procedure had been followed, notice had been issued, and the pledged jewels were subsequently auctioned and sold to third parties. The complainant further alleges that a verbal altercation ensued, during which the petitioners abused him by uttering his caste name. Based on these allegations, an FIR has been registered against the petitioners in Crime No.291 of 2025 for the offences under Sections 296(b), 351(2), 318(2), 318(3) of BNS, 2023 r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015 on the file of the 2nd respondent police station.

4. Heard the learned counsel on either side and carefully perused the materials available on record.

5. Considering the limited scope of the relief sought for, this Court hereby direct the learned Special Court of SC/ST(POA) Act (Sessions Judge), Theni, to issue prior notice to the *defacto* complainant and thereafter to consider the bail application of the petitioners on the



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same day of his surrender before that Court in connection with Crime No.291 of 2025 on the file of the 2nd respondent police.

6. Accordingly, this Criminal Original Petition is disposed of.

28.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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Note : Issue order copy on 29.01.2026.

To

1.The Deputy Superintendent of Police,
Andipatti Sub Division, Andipatti,
Theni District.

2.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

3.The Special Court of SC/ST(POA) Act (Sessions Judge),
Theni.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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