



CRL OP(MD). No.8481 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 09.05.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Pandiselvam

2.Sinrasu @ Radhakrishnan

... Petitioners/A1 and A5

Vs

1.The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukkottai District.

2.The Inspector of Police,
Namana Samudram Police Station,
Pudukkottai District.
(Crime No.40/2025)

3.Chokkaiah

... Respondents/Complainant

For Petitioners : Mr.S.Krishnan

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor for R1 and R2

PRAYER : Petition filed under Section 528 of BNSS, 2023, to direct the learned Additional Session and District Judge, Special Court for SC/ST (POA) Act Cases, Pudukkottai to accept the surrender of the

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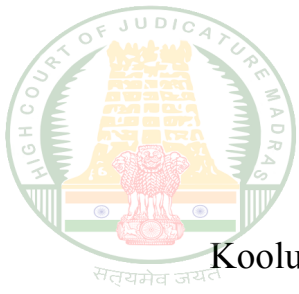
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petitioners/A1 and A5 and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.40 of 2025 on the file of the second respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 06.05.2025 under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to direct the Additional Sessions and District Judge, Special Court for SC/ST (POA) Act Cases, Pudukkottai to accept the surrender of the petitioners and consider the bail petition on the very same day in Crime No.40 of 2025 on the file of the second respondent-Police Station for the offence punishable under Sections 191(2), 296(b), 115(2), 351(3) and 324(3) of BNS, 2023, and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of the second respondent-Police Station.

2. The case of the prosecution is that on 26.04.2025, at about 03.30 p.m., the petitioners along with three other accused persons came to the village of the defacto complainant in a Jeep bearing Registration No.TN 7 G 0838 and enquired the defacto complainant about a person namely



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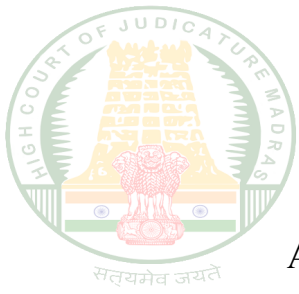
Koolu, when the defacto complainant replied that he did not know, the petitioners and other accused persons abused him in filthy language and also abused him by using his caste name. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. Accordingly, he prayed to allow this Criminal Original Petition.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the investigation is going on. Accordingly, he prayed to dismiss this petition.

5. In view of the amendments made in SC and ST (POA) Act, 1989, this Court is of the view that the directions that would usually be issued by this Court cannot be issued routinely in all cases. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders:

(i) The petitioners shall surrender before the learned



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Additional Session and District Judge, Special Court for SC/ST (POA) Act Cases, Pudukkottai, within a period of fifteen (15) days from today; and

(ii) On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant in compliance with Section 15A(3) of the SC and ST (POA) Act, 1989.

6. Accordingly, this Criminal Original Petition is allowed with directions stated *supra*.

(R S V J)
09.05.2025

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Note: Issue Order copy on 12.05.2025

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1.The Additional Session and District Judge,
Special Court for SC/ST (POA) Act Cases,
Pudukkottai.

2.The Deputy Superintendent of Police,
Ponnamaravathi,
Pudukkottai District.

3.The Inspector of Police,
Namana Samudram Police Station,
Pudukkottai District.

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



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R.SAKTHIVEL,J

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