



CRL OP(MD). No.8382 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

(Criminal Jurisdiction)

Date : 09.05.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.8382 of 2025

Esakki Durai

... Petitioner/Accused No.4

Vs

1.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.

2.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.130/2025)

3.Karthick

4.Ganesan

... Respondents/Complainant

For Petitioner : Mr.A.Arputharaj

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 Principal District Judge (PCR Cases), Tenkasi to consider the bail application of the petitioner on the same day of his surrender before

1/6



CRL OP(MD), No.8382 of 2025

the Court in connection with Crime No.130/2025 on the file of the second respondent-Police Station.

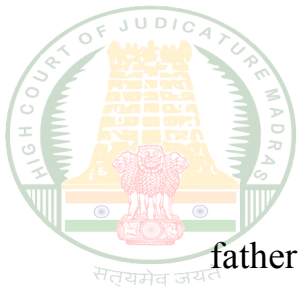
WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.05.2025 under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to direct the Principal District Judge (PCR Cases), Tenkasi to accept the surrender of the petitioner and consider the bail petition on the very same day in Crime No.130 of 2025 on the file of the second respondent-Police for the offence punishable under Sections 296(b), 115(2), 118(1) and 351(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 13.04.2025, at about 08.10 p.m., when the defacto complainant along with his friend was walking near the Petrol Bunk at kalyanipuram, A1 and A2 came in their two wheeler in a rash and negligent manner. When the same was questioned by the defcto complainant, there was a wordy quarrel between them. On the same day, at about 08.30 p.m., the defacto complainant along with his

2/6



CRL OP(MD), No.8382 of 2025

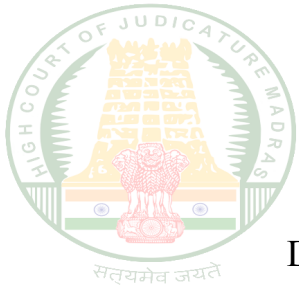
father went to the home of A1 and informed the same to his parents, at that time, the accused persons abused the defacto complainant and the victim in filthy language by mentioning their cast name, attacked them and threatened them with dire consequences. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has 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 petitioner shall surrender before the learned Principal



CRL OP(MD), No.8382 of 2025

WEB COPY

District Judge (PCR Cases), Tenkasi, 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 petitioner and pass orders on merits on the same day of his 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

mbi

Note: Issue order copy on 12.05.2025

TO

4/6



CRL OP(MD), No.8382 of 2025

1.The Principal District Judge (PCR Cases),
Tenkasi.

WEB COPY

2.1.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.

3.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.

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



WEB COPY



CRL OP(MD), No.8382 of 2025

R.SAKTHIVEL,J

mbi

CRL OP(MD) No.8382 of 2025

Date : 09.05.2025