



CRL OP(MD). No.8476 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

CRL OP(MD). No.8476 of 2025

1.Srinath

2.Arulmozhi

... Petitioners

Vs

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

2.The Inspector of Police,
All Women Police Station,
Theni, Theni District.
(Crime No.17/2025)

3.Harinika

... Respondents/Complainant

For Petitioner : Mr.K.N.Gurusamy

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 Judge, Special Court for Exclusive Trial of SC/ST (Prevention of Atrocities) Act Cases, Theni to accept the surrender of the petitioners and

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consider their bail application on the same day on merits in relation to Crime No.17 of 2025 on the file of the second respondent-Police.

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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.05.2025 under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to direct the Judge, Special Court for Exclusive Trial of SC/ST (Prevention of Atrocities) Act Cases, Theni to accept the surrender of the petitioners and consider the bail petition on the very same day in Crime No.17 of 2025 on the file of the respondent-Police for the offence punishable under Sections 296(b), 318(2), 118(1) and 351(3) of BNS, 2023, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Section 3(1)(v), 3(1)(s) and 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, 1989 on the file of the respondent-Police.

2. The case of the prosecution is that the defacto complainant and the first petitioner loved each other and got married in front of the second petitioner. While so, on 12.12.2024, the second petitioner asked the community name of the defacto complainant and abused her in filthy language by mentioning her caste name. The first petitioner also tried to



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attack the defacto complainant with a knife. Hence, the case.

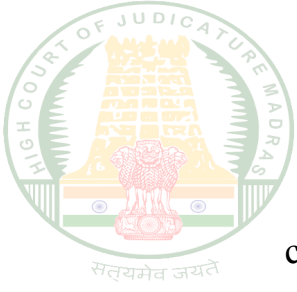
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3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. Accordingly, he prayed to allow this Criminal Original Petition.

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 Judge, Special Court for Exclusive Trial of SC/ST (Prevention of Atrocities) Act Cases, Theni, within a period of fifteen (15) days from today; and
- (ii) On such surrender along with notice served to the defacto



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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 Judge,
Special Court for Exclusive Trial of
SC/ST (Prevention of Atrocities) Act Cases,
Theni.
- 2.The Deputy Superintendent of Police,
Theni District, Theni.
- 3.The Inspector of Police,
All Women Police Station,
Theni, Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.SAKTHIVEL,J

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Date : 09.05.2025