



CRL OP(MD). No.8583 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.8583 of 2025

Duraiyappa

... Petitioner/Sole Accused

Vs

1.The Deputy Superintendent of Police,
Nanguneri, Tirunelveli District.

2.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.179/2025)

3.Sankaran

... Respondents/Complainant

For Petitioner : Mr.V.Sorimuthu

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 II Additional District and Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Tirunelveli to consider the petitioner's bail application on the same of his surrender in Crime No.179 of 2025 on the file of the second respondent-Police.

1/5



CRL OP(MD), No.8583 of 2025

WEB COPY

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 II Additional District and Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Tirunelveli to accept the surrender of the petitioner and consider the bail petition on the very same day in Crime No.179 of 2025 on the file of the respondent-Police for the offence punishable under Sections 296(b), 115(2) and 351(2) 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 respondent-Police.

2. The case of the prosecution is that due to previous enmity, on 15.03.2025, at about 05.45 a.m., when the defacto complainant went to tea shop, the petitioner attacked him, abused in filthy language by calling defacto complainant's caste name. Hence, the case.

3. The learned counsel for the petitioner submitted that the



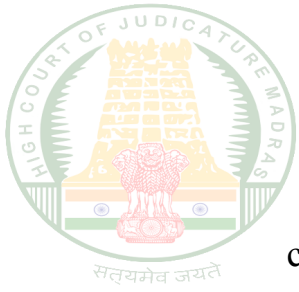
CRL OP(MD), No.8583 of 2025

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 II Additional District and Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Tirunelveli, 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



CRL OP(MD), No.8583 of 2025

WEB COPY

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

1. The II Additional District and Sessions Judge,
Special Court for Exclusive Trial of
Cases under SC/ST (POA) Act, 1989,
Tirunelveli.

2. The Deputy Superintendent of Police,
Nanguneri, Tirunelveli District.

3. The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

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



WEB COPY



CRL OP(MD), No.8583 of 2025

R.SAKTHIVEL,J

mbi

CRL OP(MD) No.8583 of 2025

Date : 09.05.2025