



CRL OP(MD). No.8591 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.M.Ponnusamy
2.P.Petchiammal
3.Ananth @ Karuppasamy ... Petitioners / Accused Rank Not Known

Vs

1.State of Tamil Nadu,
Rep. by The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.

2.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.141/2025)

3.M.Mukesh ... Respondents/Complainant

For Petitioners : Mr.K.Dinesh

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

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learned Judge, Special Court for Exclusive Trial of SC/ST (Prevention of Atrocities) Act Cases, Srivilliputhur, Virudhunagar District to accept the surrender of the petitioners / accused persons and to consider their bail application and grant bail on the date of surrender itself in Crime No.141 of 2025 dated 24.04.2025 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 Judge, Special Court for Exclusive Trial of SC/ST (Prevention of Atrocities) Act Cases, Srivilliputhur, Virudhunagar District to accept the surrender of the petitioners and consider the bail petition on the very same day in Crime No.141 of 2025 on the file of the 2nd respondent-Police for the offence punishable under Sections 191(2), 296(b), 115(2), 127 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, 2015 on the file of the 2nd respondent-Police.

2. The case of the prosecution is that the defacto complainant had love relationship with a girl and on 21.04.2025, when they both were talking near Government Higher Secondary School, Thulugankuruchi,



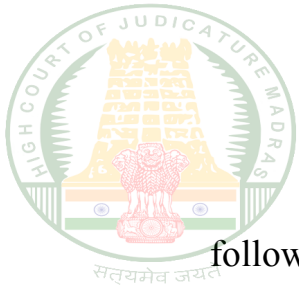
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relatives of that girl saw them and took the cell phone of the defacto complainant with them. Thereafter, the accused persons called the defacto complainant's brother to Alamelumangaipuram to return the cell phone. When the defaco complainant and his brother went to get back the cell phone, the accused persons attacked them and abused them in filthy language and also mentioned their 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



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following orders:

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- (i) The petitioners shall surrender before the learned Judge, Special Court for Exclusive Trial of SC/ST (Prevention of Atrocities) Act Cases, Srivilliputhur, Virudhunagar District, 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

TO

1. The Judge,

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Special Court for Exclusive Trial of
SC/ST (Prevention of Atrocities) Act Cases,
Srivilliputhur, Virudhunagar District.

2.The Deputy Superintendent of Police,
Sattur Division,
Virudhunagar District.

3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar 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