



CRL OP(MD). No.8596 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.8596 of 2025

Surya

... Petitioner/Accused No.2

Vs

1.The Deputy Superintendent of Police,
Oomachikulam Range, Othakadai,
Madurai District.

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

3.Sakthivel

... Respondents/Complainant

For Petitioner : Mr.K.Sathish Kumar

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

1/6



CRL OP(MD), No.8596 of 2025

learned III Additional District and Sessions Judge (PCR Court), Madurai to consider the bail application on his surrender on the same day, if any petition filed by the petitioner in Crime No.130/2025 on the file of the second respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.05.2025 under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to direct the III Additional District and Sessions Judge (PCR Court), Madurai 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 2nd respondent-Police for the offence punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 324(4) and 351(3) of BNS, 2023, and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (Prevention of Atrocities) Amendment Act, 2015 on the file of the 2nd respondent-Police.

2. The case of the prosecution is that on 28.04.2025, at about 08.30 p.m., when the defacto complainant was in his house, one Praveen Kumar came there and informed him that the accused persons dashed against his car and when he questioned them, they attacked him.



CRL OP(MD), No.8596 of 2025

Thereafter, Praveen Kumar left the place. Subsequently, the accused persons came there with deadly weapon and enquired about the Praveen Kumar to the defacto complainant and when he replied that he did not know, the accused persons abused him by mentioning his caste name and assaulted him with sword and also threatened him 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. He further submits that the petitioner also belongs to Scheduled Caste Community. 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



CRL OP(MD), No.8596 of 2025

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:

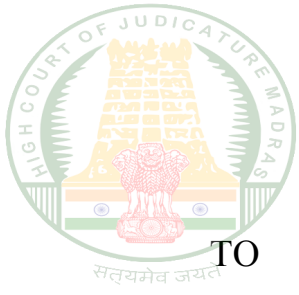
- (i) The petitioner shall surrender before the learned III Additional District and Sessions Judge (PCR Court), Madurai, within a period of fifteen (15) days from today; and
- (ii) On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application 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



CRL OP(MD), No.8596 of 2025

TO

WEB COPY

- 1.The III Additional District and Sessions Judge (PCR Court),
Madurai.
- 2.The Deputy Superintendent of Police,
Oomachikulam Range, Othakadai,
Madurai District.
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD), No.8596 of 2025

R.SAKTHIVEL,J

mbi

CRL OP(MD) No.8596 of 2025

Date : 09.05.2025