



Crl.O.P.(MD)No.9038 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.05.2025

CORAM

THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl.O.P.(MD)No.9038 of 2025

Balaganesh,
S/o.Arumugam

... Petitioner / Accused No.3

Vs.

1.The State of Tamil Nadu,
Rep by the Deputy Superintendent of Police,
Othakadai,
Madurai District.

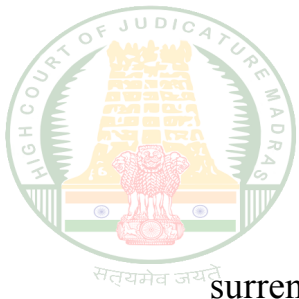
2.The State of Tamil Nadu,
Rep by the Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.130 of 2025)

...1st & 2nd Respondents /
Complainants

3.Sakthivel,
S/o.Mookan

... 3rd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to direct the learned III Additional District and Sessions Court (PCR), Madurai to consider the bail application for the petitioner on the same day of his



CrI.O.P.(MD)No.9038 of 2025

surrender before the Court in connection with Crime No.130 of 2025 on the file of the second respondent police.

For Petitioner : Mr.M.Thiyagarajan,
Advocate

For R1 and R2 : Mr.K.Gnanasekaran,
Government Advocate
(Criminal Side)

ORDER

This petition has been filed seeking for a direction to the learned III Additional District and Sessions Court (PCR), Madurai, to consider and dispose of the petitioner's bail application on the same day of his surrender in respect of Crime No.130 of 2025 on the file of the second respondent police.

2. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the the learned III Additional District and Sessions Court (PCR), Madurai, to consider the petitioner's bail application on merits,

2/5



CrI.O.P.(MD)No.9038 of 2025

WEB COPY

preferably on the same day of his surrender in connection with Crime No. 130 of 2025 on the file of the second respondent and pass appropriate orders in accordance with law after affording due opportunity to the victim under Section 15(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The petitioner shall surrender before the concerned jurisdictional Court within a period of fifteen days from the date of the receipt of a copy of this Order.

3. It is needless to say that the Court below, while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders. Mere direction issued by this Court to consider the bail petition on the same day does not amount to consider it favourably.

4. With the above direction, the Criminal Original Petition stands allowed.

21.05.2025
(PVMJ)

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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3/5



CrI.O.P.(MD)No.9038 of 2025

WEB COPY **To**

- 1.The III Additional District and Sessions Court (PCR),
Madurai.
- 2.The Deputy Superintendent of Police,
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.



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CrI.O.P.(MD)No.9038 of 2025

P.VADAMALAI, J.

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Order made in
CrI.O.P.(MD)No.9038 of 2025

21.05.2025