

Crl.O.P.(MD)No.9130 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.06.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9130 of 2025

1.Surya @ Alagusuriya

2.Surya @ Suriyamoorthy

... Petitioners

versus

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Samyanallur Circle,
Madurai.

2. The Inspector of Police,
Samyanallur Police Station,
Madurai Distrit.
[Crime No.100 of 2025]

3.Nagamalai

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, to direct the III Additional District Judge for PCR Cases, Madurai to consider the bail application of the petitioners on the same day of surrender in Crime



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No.100 of 2025 on the file of the Inspector of Police, Samayanallur
Police Station, Madurai district / 1st respondent herein.

For Petitioners : Mr.S.Ramsundarvijayraj
For R1 and R2 : Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. side)

ORDER

The petitioners are accused in Crime No.100 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b) and 115(2) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2015. Therefore, the petitioners have filed this petition seeking a direction to the learned III Additional District Judge, PCR Madurai, to dispose of their bail applications on the date of surrender.



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2. The petitioners are accused 1 and 2. The 1st petitioner is the Driver of an earth mover and the 2nd petitioner is his friend. They are alleged to have parked the earth mover on the middle of the road. Since it was questioned by the defacto complainant, the petitioners are alleged to have abused and assaulted him with stick.

3.The learned Counsel for the petitioners submits that this is a false case and the petitioners have been roped into this case by the defacto complainant only to cause humiliation to them. He further submits that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. Therefore, the petitioners seek a direction for disposal of the bail application on the same day.

4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submits that the victim has suffered simple injury and he has been treated as an out patient.



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5.Considering the facts and circumstances of the case, this

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Criminal Original Petition is ordered with a direction to the petitioners to surrender within a period of two weeks from the date of receipt of a copy of this order before III Additional District Court for PCR Cases, Madurai, which, in turn, is directed to entertain the bail applications if any filed by the petitioners on the same day. The Public Prosecutor concerned is expected to be available in the Courts and the Public Prosecutor can very well get instructions with the available scientific modes. The bail applications in any event shall be disposed on merits on the same day.

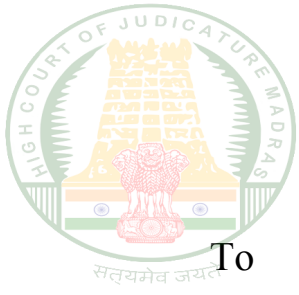
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NCC : Yes/No

Index : Yes/No

Internet:Yes

DSK



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To

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1.III Additional District Court,
PCR Court, Madurai.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Samyanallur Circle,
Madurai.

3.The Inspector of Police,
Samyanallur Police Station,
Madurai District.

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



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B.PUGALENDHI, J.

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