



CrI.O.P.(MD)No.9396 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.9396 of 2025

1. Gurumurthy
2. Thirumurugan @ Mugilan
3. Vignesh
4. Erangammal

... Petitioners

Vs

1. The State of Tamil Nadu, Rep. by its
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
2. The State of Tamil Nadu, Rep. by its
The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.

3. M.Alageshwari

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the PCR Court, Srivilliputhur to consider the bail application of the petitioner on the same day of his surrender itself in Crime No.66 of 2025 on the file of the 2nd respondent Police.



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For Petitioners : Mr.K.Yasar Arafath
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioners are accused in Crime No.66 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 127(2), 329(4), 296(b), 115(2), 351(2) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002 and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act. Therefore, the petitioners have filed this petition seeking a direction to the PCR Court, Srivilliputhur, to dispose of their bail applications on the date of surrender.

2. The learned counsel appearing for the petitioners 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. He further submits that this case is a foisted one and the petitioners will prove their innocence. 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. However, the petitioners seek a direction for disposal of the bail



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application on the same day. He further submits that this Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail application filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioners pray for similar directions.

3. Mr.P.Kottaichamy, learned Government Advocate (Crl.side) takes notice for the respondents 1 and 2 and submits that the relationship between the petitioners and the 3rd respondent is tenants and landlord. The allegation as against the petitioners is that they have unlawfully trespassed into the 3rd respondent's house, abused her in filthy language and also criminally intimidated her. Hence, the 3rd respondent has lodged a complaint as against the petitioners, based on which, a case was registered by the respondent police as stated above. He further submits that no one was injured in that incident. He further submits that the first petitioner/A1 is a history sheeted rowdy and he is having 12 previous cases. Therefore, he strongly opposed this petition insofar as the first petitioner/A1 is concerned.

4. Since the first petitioner/A1 is having 12 previous cases, this Court is not inclined to grant any relief to the first petitioner/A1. Accordingly,



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this petition is dismissed insofar as the first petitioner/A1 is concerned.

5. Insofar as the petitioners 2 to 4 are concerned, this Court, by considering the facts and circumstances and the similar such orders passed by this Court, is inclined to dispose of this petition.

6. Accordingly, this Criminal Original Petition is disposed of with a direction to the petitioners 2 to 4 to surrender before the the learned Additional District Judge, (Special Court for Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act Cases (PCR Court), Srivilliputhur, within a period of two weeks from the date of receipt of a copy of this order and the learned Judge of the Special Court is directed to entertain the bail application if any filed by the petitioners on the same day. The Public Prosecutor concerned is expected to be available in the Court and the Public Prosecutor can very well get instructions with the available scientific modes. The bail application in any event shall be disposed on merits on the same day.

06.06.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Additional District Judge for PCR cases,
Srivilliputhur.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
3. The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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