

Crl.O.P.(MD)No.9134 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.06.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9134 of 2025

1.G.Sivaperumal

2.G.Vetrivel

3.G.Sudalaimani

... Petitioners

versus

1. The State of Tamil Nadu,
The Deputy Superintendent of Police,
Sathankulam Sub Division,
Thoothukudi District.

2.The State of Tamil Nadu,
Rep by the Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
[Crime No.123 of 2025]

3.S.Mayandi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, to direct the Sessions Judge,



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Special Court for Trial of Cases under SC & ST (POA) Act,
Thoothukudi to accept the surrender of the petitioners and consider
their bail application on the same day on merits in relating to Crime
No.123 of 2025 dated 18.05.2025 on the file of the 2nd respondent
police.

For Petitioners : Mr.V.Balasundarakumar

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

ORDER

The petitioners are accused 1 to 3 in Crime No.123 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b), 115(2) and 351 (2) of BNS and Sections 3(1)(c), 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 Special Court concerned to dispose of their bail applications on the date of surrender.

2.The learned Counsel for the petitioners submits that the petitioners are defacto complainants in Crime No.122 of 2025 and



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for having lodged the said complaint, as a counter complaint, this case in Crime No.123 has been foisted against the petitioners.

According to the petitioners, the third respondent has misbehaved by showing his private part to the petitioner's mother, who was working in the field. This occurrence had taken place on 18.05.2025 at about 11.00am. Therefore, they have lodged a complaint as against the defacto complainant before the respondent police and it was registered in Crime No.122 of 2025, whereas the alleged offence in the present case in Crime No.123 of 2025 is said to have taken place at 12.00 noon on 18.05.2025 and a false case has been foisted as against the petitioners. 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.



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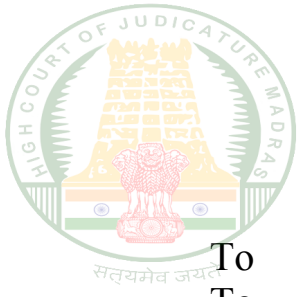
3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submits that the victim has suffered simple injury and he has been discharged from hospital. There is a complaint and counter complaint in Crime Nos.122 of 2025 and 123 of 2025.

4.Considering the facts and circumstances of the case, this 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 the Special Court for Trial of Cases under SC & ST (POA) Act, Thoothukudi 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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To
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- 1.The Sessions Judge,
Special Court for Trial of Cases
under SC & ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Sathankulam Sub Division,
Thoothukudi District.
- 3.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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