



Crl.O.P.(MD)No.9553 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.9553 of 2025

1. Selvi
2. Gokulprasath
3. Lakshmi

... Petitioners

versus

1. The State of Tamil Nadu, rep. by
The Deputy Superintendent of Police,
Palani Division,
Dindigul District.
2. The Inspector of Police,
Keeranur Police Station,
Dindigul District.

3. Athammal

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul to consider their bail application on the same day of their surrender in respect of Crime No.115 of 2025 on the file of the 2nd respondent, pending investigation.

For Petitioners : Mr.D.Venkatesh

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



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For R3 : No appearance

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ORDER

The petitioners are accused Nos.1 to 3 in Crime No.115 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 126(2), 296(b), 351(2) of BNS 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(1)(za)(E) & 3(2)(va) of the SC/ST (POA) Act, 1989. Therefore, the petitioners have filed this petition, seeking a direction to the learned Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul, to consider their bail application on the same day of their surrender.

2. The learned counsel appearing for the petitioners submitted that the 3rd respondent is working as an agricultural coolie in the agricultural land of one Ragupathy. There is a civil dispute between the petitioners and the said Ragupathy. Since the 2nd petitioner has filed a suit in O.S.No.85 of 2024 against the said Ragupathy, he set-up the 3rd respondent to lodge this complaint. According to him, no one was injured in that incident. The learned counsel further submitted 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,



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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 application on the same day. He further submitted 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. Since this case is registered under Sections 3(1)(r), 3(1)(s), 3(1)(w) (ii), 3(1)(za)(E) & 3(2)(va) of the SC/ST (POA) Act. this Court, on 09.06.2025, ordered notice to the 3rd respondent/defacto complainant.

4. Though notice was served on the 3rd respondent/defacto complainant and her name has been printed in the cause list, no one has entered appearance on behalf of the 3rd respondent.

5. The learned Government Advocate (Crl. Side) confirmed that no one was injured in that incident.



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6. Considering that there is a civil dispute between the parties and no one was injured in that incident, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the learned Additional District and Sessions Judge (Special Court for PCR Cases), Dindigul, 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. In the meantime, the petitioners shall serve a copy of the bail petition well in advance to the defacto complaint along with the proposed date of their surrender, enabling the complainant to submit their arguments, if any. 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.

25.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

1. The Additional District and Sessions Judge
(Special Court for PCR Cases), Dindigul.
2. The Deputy Superintendent of Police,
Palani Division,
Dindigul District.
3. The Inspector of Police,
Keeranur Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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