

CrI.O.P.(MD)No.9991 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

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1. Nagaraja
2. Suryaprakash
3. Manojkumar
4. Sakthivel
5. Vinoth Kannan
6. Vigneshkumar
7. Arunkumar
8. Manivel
9. Ajith

... Petitioners

versus

1. State of Tamilnadu rep. by
The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.

2. The Sub Inspector of Police,
Ammainaickanur Police Station,
Dindigul District.

3. Naga Arjun

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District and Sessions Judge (PCR Cases), Dindigul, to consider the bail application on the surrender of the petitioners/accused on the same day in connection with Crime No.110 of 2025 dated 02.06.2025 on the file of the respondent Police on merits on the same day.



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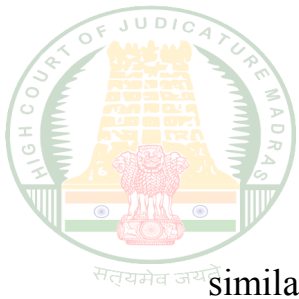
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For Petitioners : Mr.SM.Aswin
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
For R3 : Mrs.M.Lavanya

ORDER

The petitioners are accused Nos.1 to 9 in Crime No.110 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 191(2), 296(b), 115(2), 127(2), 351(2) of BNS 2023, r/w. Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST POA Act. Therefore, the petitioners have filed this petition, seeking a direction to the learned District and Sessions Judge (PCR Cases), Dindigul, to consider their bail application on the same day of their 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 application on the same day. He further submits that this Court in



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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(2)(va) of SC/ST POA Act, this Court, on 16.06.2025, ordered notice to the 3rd respondent/defacto complainant.

4. Learned counsel Mrs.M.Lavanya, learned counsel entered appearance on behalf of the 3rd respondent/defacto complainant and submits that one of the accused fisted the defacto complainant with his bracelet and therefore, the defacto complainant has sustained injury.

5. The learned Government Advocate (Crl. Side) submitted that there is no possibility of external injury. According to him, it is only a simple injury. He further submits that pending this petition, 2nd accused has been arrested by the respondent Police.

6. Since the 2nd accused/2nd petitioner has been arrested by the



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respondent Police, this Criminal Original Petition is dismissed as against the 2nd accused/2nd petitioner.

7. Insofar as the petitioners 1, 3 to 9 are concerned, this Criminal Original Petition is disposed of with a direction to the petitioners 1, 3 to 9 to surrender before the learned District and Sessions Judge (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 learned District and Sessions Judge (PCR Cases),
Dindigul.
2. The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.
3. The Sub Inspector of Police,
Ammainaickanur 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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