

Crl.O.P.(MD)No.10370 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.10370 of 2025

1.Santhoshkumar
2.Sivasakthi

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Sattur, Virudhunagar District.

2.The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
Crime No.235 of 2025.

3.M.Arunpandi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Additional Sessions Court (PCR Court) Srivilliputhur to accept the surrender of the petitioners in connection with Crime No. 235 of 2025 pending investigation on the file of the second respondent Police and to consider their bail application on the same day of surrender.

For Petitioners : Mr.S.Vishnuvardhan



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

For R3 : No Appearance

ORDER

The petitioners are accused in Crime No.235 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 191(2), 126(2), 296(b), 115(2), 351(2) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have filed this petition seeking a direction to the Additional Sessions Court (PCR Court) Srivilliputhur to consider their bail application on the same day of their surrender.

2.The learned counsel appearing for the petitioners submits that this Court has already issued similar direction to the co-accused in this case. Further, he 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



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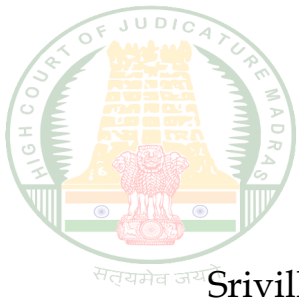
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one and the petitioners will prove their innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioners seek a direction for disposal of the bail application on the same day. He further submits that this Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail application filed by the accused on the same day of their surrender.

3.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that the defacto complainant sustained simple injury and this Court has already issued similar directions to the co-accused in this case.

4.This Court has considered the submissions made on either side and perused the available materials placed before this Court.

5.Considering the above facts and circumstances, this Criminal Original Petition is allowed with a direction to the petitioners to surrender before the Additional Sessions Court (PCR Court)



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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. 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.

11.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Additional Sessions Court (PCR Court),
Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Sattur, Virudhunagar District.
- 3.The Inspector of Police,
Sattur Town 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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