



Crl.O.P.(MD)No.10657 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.10657 of 2025

1. Amutha
2. Sellammal

... Petitioners

versus

1. The State rep. by
The Deputy Superintendent of Police,
Andipatti,
Theni District.

2. The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

3. Selvalakshmi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Additional Sessions Judge for PCR Cases, Theni, Theni District to accept the surrender of the petitioners and consider the bail application on the same day in accordance with law of their surrender in connection with Crime No.37 of 2025 on the file of the Inspector of Police, Kadamalaikundu Police Station, Theni.



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For Petitioners : Mr.B.Jeyakumar

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

ORDER

The petitioners are accused in Crime No.37 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 115(2) of BNS and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015. Therefore, the petitioners have filed this petition seeking a direction to the learned Additional Sessions Judge for PCR Cases, Theni, to consider their bail application on the same day of their surrender.

2. The learned counsel appearing for the petitioners submits that this case has been registered against the petitioners as a counter case for the complaint lodged by them in Crime No.36 of 2025 and no one was injured in this case. 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,



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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 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. Heard the learned Government Advocate (Crl. Side).

4. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the learned Additional Sessions Judge for PCR Cases, Theni, 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



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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 Sessions Judge for PCR Cases,
Theni.
2. The Deputy Superintendent of Police,
Andipatti,
Theni District.
3. The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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