



Crl.O.P.(MD)No.11212 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11212 of 2025

Gubendran

... Petitioner

versus

1. The Deputy Superintendent of Police,
Theni Sub Division,
Theni District.

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

3. Murugaiya

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for trial of cases registered under SC/ST (POA) Act 1989, Theni to accept the surrender of the petitioner and consider his bail application on the same day in Crime No.75 of 2025 pending on the file of the 2nd respondent police.

For Petitioner : Mr.S.Sundarapandian

For R1 & R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side)



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ORDER

The petitioner is an accused in Crime No.75 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 118(1), 351(2) of BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities Act) 1989. Therefore, the petitioner has filed this petition, seeking a direction to the Special Court for trial of cases registered under SC/ST (POA) Act 1989, Theni to consider his bail application on the same day of his surrender.

2. The learned counsel appearing for the petitioner submitted that the 3rd respondent/defacto complainant's brother came to the petitioner's house and removed his dress and showed his private parties to the daughter-in-law of the petitioner and the same was questioned by the petitioner. Therefore, this case has been foisted as against the petitioner. He 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, the petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioner seeks a direction for disposal of the bail application on the same day. He further submitted that this Court in similar circumstances had



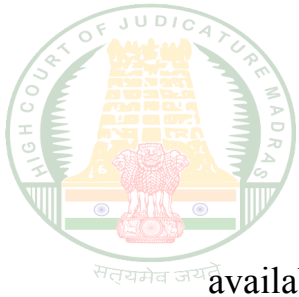
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issued directions to the Courts concerned where FIR is pending, to consider the bail application filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioner prayed for similar directions.

3. The learned Government Advocate (Crl. Side) submitted that the case in Crime No.75 of 2025 has been registered as a case in counter. He further submits that the injured in Crime No.75 of 2025 has been discharged from the hospital.

4. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the Special Court for trial of cases registered under SC/ST (POA) Act 1989, 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 petitioner on the same day. In the meantime, the petitioner shall serve a copy of the bail petition well in advance to the defacto complainant along with the proposed date of his surrender, enabling the complainant to submit their arguments, if any. The Public Prosecutor concerned is expected to be



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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.

03.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1. The Special Court for trial of cases registered
under SC/ST (POA) Act,
Theni.
2. The Deputy Superintendent of Police,
Theni Sub Division,
Theni District.
3. The Inspector of Police,
Allinagaram 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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