



Crl.O.P.(MD)No.11321 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11321 of 2025

Sakthivel Gounder

... Petitioner

Vs

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

2.The Inspector of Police,
Aundipatti Police Station,
Theni District.
(Crime No.216 of 2025)

3.Gopal

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for exclusive trial of Scheduled Castes and Scheduled Tribes cases, Theni, to consider the bail application on the same day if any filed by the petitioner/Sole Accused in Crime No.216 of 2025 on the file of the second respondent herein.



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For Petitioner : Mr.R.Thangapanidan
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The petition is the accused in Crime No.216 of 2025 on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 115(2) BNS and 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015. Therefore, the petitioner has filed this petition seeking a direction to Special Court concerned to dispose of his bail application on the date of surrender.

2.The learned counsel for the petitioner submits that the petitioner is aged about 89 year old and the case has been registered against him as if he threatened the defacto complainant. He further submits that no one has sustained any injuries in the present 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.



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

3.Mr.P.Kottaichamy, learned Government Advocate (Crl.side) takes notice for the respondents 1 and 2 and submits that no one is injured in this case.

4.Considering the facts and circumstances, this petition is disposed of with a direction to the petitioner to surrender before the learned Special Court for exclusive trial of Scheduled Castes and Scheduled Tribes 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



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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 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.

04.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
vsg



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To

- 1.The learned Special Court
for exclusive trial of Scheduled Castes and Scheduled Tribes cases,
Theni.
- 2.The Deputy Superintendent of Police,
Aundipatti Sub-Division,
Theni District.
- 3.The Inspector of Police,
Aundipatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

vsg

Order made in
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