

Crl.O.P.(MD)No.11486 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11486 of 2025

- 1.Chandra
- 2.Moorthi
- 3.Radha
- 4.Jeyaraj
- 5.Sivamani
- 6.Kamaraj
- 7.Prabhakaran

... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Bodinayakanur, Theni District.
- 2.The Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.
(In Crime No.166 of 2025)

3.Chellaiah

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Sessions Judge (PCR Court), Theni to consider the bail application of the petitioners on the same day of their surrender itself in Crime No.166 of 2025 on the file of the second respondent Police.



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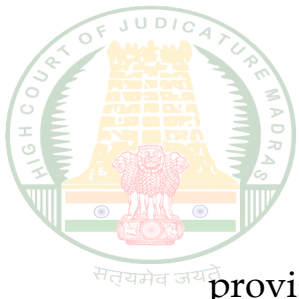
For Petitioners : Mr.C.Ganeshkumar

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

ORDER

The petitioners are A1 to A7 in Crime No.166 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 61(2), 336(2), 336(3), 191(2), 296(b), 324(4), 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 learned Special Sessions Judge (PCR Court), Theni to consider their bail application on the same day of their surrender.

2.The learned counsel appearing for the petitioners submits that the petitioners and the third respondent are neighbors. The third respondent has attempted to lay pipeline for drainage water through the petitioners' land and therefore, there was a wordy quarrel between the parties. However, a case has been foisted under the



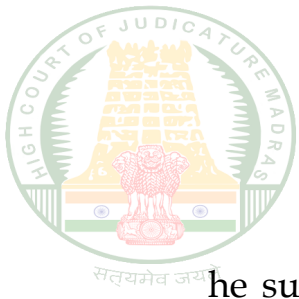
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provisions of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

3.The learned counsel for the petitioners also 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 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.

4.The learned Government Advocate (CrI. Side) appearing for the official respondents submits that it is true that the occurrence had taken place while the defacto complainant laid the pipeline. Further,



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he submits that the defacto complainant suffered simple injury and he has also been discharged from the hospital.

5.Considering the submissions made on either side, this Criminal Original Petition is allowed with a direction to the petitioners to surrender before the learned Special Sessions Judge (PCR Court), 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 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.

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To

- 1.The Special Sessions Judge (PCR Court), Theni
- 2.The Deputy Superintendent of Police,
Bodinayakanur, Theni District.
- 3.The Inspector of Police,
Bodinayakanur Rural 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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