

CrI.O.P.(MD)No.11474 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

CrI.OP(MD)No.11474 of 2025

1.Suresh

2.Kalyani @ Kalyanasundaram

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Samayanallur, Madurai District.

2.The Inspector of Police,
Alanganallur Police Station, Madurai District.
(Cr.No.228 of 2025)

3.Vijayasundar

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned III Additional District and Sessions Judge (PCR Court), Madurai to consider and pass orders on bail application to be filed by the petitioners in connection with Cr.No.228 of 2025 pending on the file of the second respondent on the same day.

For Petitioners : Mr.E.Sathish Rajkumar



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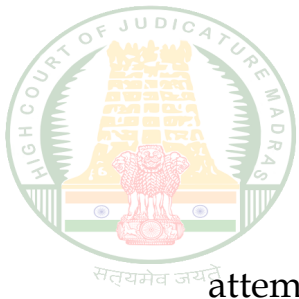
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

For R3 : Mr.Gurusamy

ORDER

The petitioners are A1 & A2 in Crime No.228 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) 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 III Additional District and Sessions Judge (PCR Court), Madurai to consider their bail application on the same day of their surrender.

2.The learned counsel appearing for the petitioners submits that the petitioners have obtained contract from the Panchayat to clear the sewage. The third respondent herein is having a super market and he has put up a generator on the sewage panel and has prevented the free flow of the sewage. When the petitioners have



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attempted to clear the same, a scuffle arose between the petitioners and the third respondent. Due to which, the third respondent fell down on the JCB machine and has sustained simple injury, which was projected by the third respondent as if the petitioners have assaulted him with iron rod and abused him by referring his community. Further, he submits that the petitioners are not aware of the community of the third respondent and they were doing some contract work on behalf of the Panchayat. Only in order to harass the petitioners, the third respondent foisted the false complaint under the 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



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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 (Crl. Side) appearing for the official respondents submits that the injured person is still in the hospital and the petitioners herein are having yet another case under the provisions of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

5.The learned counsel appearing for the third respondent by producing certain photographs submits that the third respondent has sustained head injury.

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



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7.The petitioners have also produced some photographs, from which, it reveals that a generator room has been established on the sewage line. Admittedly, the petitioners are the contract workers to clean the sewage line. It appears that when the petitioners have attempted to clean the sewage, there was a clash between the parties.

8.Considering the above facts and circumstances, this Criminal Original Petition is allowed with a direction to the petitioners to surrender before the learned III Additional District and Sessions Judge (PCR Court), Madurai, 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



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scientific modes. The bail application in any event shall be disposed on merits on the same day.

08.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns

To

- 1.The III Additional District
and Sessions Judge (PCR Court),
Madurai.
- 2.The Deputy Superintendent of Police,
Samayanallur,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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