



Crl.O.P.(MD)No.11832 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11832 of 2025

1.Mohamed Noorani

2.Sathic Batcha

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thiruvidadaimaruthur Sub Division,
Thanjavur District.

2.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
(Cr.No.138 of 2025)

3.Sanjay

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned I Additional District and Sessions Judge, Thanjavur to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Cr.No. 138 of 2025 dated 12.06.2025 on the file of the respondent Police.



WEB COPY



Crl.O.P.(MD)No.11832 of 2025

For Petitioners : Mr.A.Rajamohamed

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

ORDER

The petitioners are A1 & A2 in Crime No. 138 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 296(b), 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 I Additional District and Sessions Judge, Thanjavur to consider their bail application on the same day of their surrender.

2.The learned counsel appearing for the petitioners submits that the the petitioners are running a fast food shop, at Thanjavur. The third respondent along with his brother-in-law came to the petitioners' shop and ordered some food. There was some delay in



Crl.O.P.(MD)No.11832 of 2025

WEB COPY

delivering the food and they have created problem and also foisted this false complaint. Further, he submits that the petitioners are not aware of the community of the third respondent. While so, the third respondent misused the provisions of SC/ST Act and foisted the false complaint.

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.



Crl.O.P.(MD)No.11832 of 2025

WEB COPY

4.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that the defacto complainant sustained simple injury and there is no previous case pending as against the petitioners.

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

6.Considering the above facts and circumstances, this Criminal Original Petition is allowed with a direction to the petitioners to surrender before the learned I Additional District and Sessions Judge, Thanjavur, 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



CrI.O.P.(MD)No.11832 of 2025

WEB COPY

very well get instructions with the available scientific modes. The bail application in any event shall be disposed on merits on the same day.

7.The second respondent Police is also directed to conduct the investigation in a proper manner and ascertain the truth. In the event, if the provisions under SC/ST Act has been misused by the de facto complainant, then, it has to be referred to the SC/ST Commission for necessary action as against the defacto complainant.

14.07.2025

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



CrI.O.P.(MD)No.11832 of 2025

WEB COPY

To

- 1.The I Additional District and Sessions Judge,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvidadaimaruthur Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.11832 of 2025

B.PUGALENDHI, J.

gns

CrI.OP(MD)No.11832 of 2025

14.07.2025