



Crl.O.P.(MD)No.11674 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11674 of 2025

H.Vemburaj

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.

2.The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
(Crime No.103 of 2022)

3.Manikandan

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for trial of cases under Scheduled Castes and Scheduled Tribes (POA) Act cases, Thoothukudi, to consider the petitioner's bail application and also surrender and dispose of the bail application on the same day in Crime No.103 of 2022 on the file of the second respondent.



Crl.O.P.(MD)No.11674 of 2025

WEB COPY

For Petitioner : Mr.S.Suresh Manickam
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The petitioner is the accused in Crime No.103 of 2022 on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 147, 148, 149, 447, 294(b), 323 and 324 of IPC r/w 3 of Tamil Nadu Public Property Damage and Loss Act, and Section 3(1)(r), 3(1)(s) and 3(2)(va) 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 he is not aware of the criminal case, which has been registered in Crime No.103 of 2022 and the final report has also been filed against him. He came to know that he has been arrayed as Accused No.27 and a Non Bailable



Crl.O.P.(MD)No.11674 of 2025

WEB COPY

Warrant was issued against him. 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. 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.The learned Government Advocate (Crl. Side) submits that during the temple festival in the year 2022, there was an occurrence, wherein the petitioner along with 31 others have assaulted the defacto complainant, for which the above said criminal case was registered by the second respondent Police in Crime No.103 of 2020, on 14.08.2022. After completing the investigation, the second respondent has filed the final report before the Special Court on 10.12.2024 and the same is



Crl.O.P.(MD)No.11674 of 2025

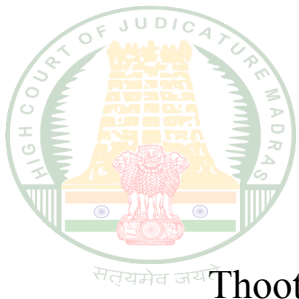
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taken on file by the Special Court in Spl.S.C.No.44 of 2024. Excepting this petitioner, all others accused have appeared. The petitioner and three other could not be secured. Therefore, an absconding charge sheet has been filed as against the petitioner and three others and the trial Court has issued a Non Bailable Warrant.

4.This Court considered the rival submissions made.

5.It appears that the offences said to have been taken place during the temple festival in the year 2022. The second respondent Police registered the case in Crime No.103 of 2022 and the final report has also been filed. It is also reported that most of the accused have entered their appearance and four others are yet to be secured.

6. Since the petitioner is ready to surrender before the trial Court, considering the fact that the investigation has been completed and final report has also been filed, 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,



Crl.O.P.(MD)No.11674 of 2025

WEB COPY

Thoothukudi, 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 complaint 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.

11.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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Crl.O.P.(MD)No.11674 of 2025

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To

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



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Crl.O.P.(MD)No.11674 of 2025

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vsg

Order made in
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