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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-08-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL OP(MD) No. 11653 of 2025

1. Suresh
S/o. Ponnupandi, Door No.4A,
Perumalkovil Street, Malaiyadikurichi,
Kadayanallur Taluk, Tenkasi District.

Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its, The Deputy Superintendent
of Police, Rajapalayam Police Station,
Virudhunagar District.

2.The State of Tamil Nadu
Rep. by its, The Sub Inspector of
Police, Rajapalayam North Police
Station, Virudhunagar District.
[Crime No.417 of 2025]

3.Dinesh Karthick
S/o. Goapalakrishnan, North Street,
Seevanallur, Illathur Post, Tenkasi
District.

Respondent(s)

PRAYER : Petition filed under Section 528 of BNSS, to direct the District and Sessions Judge (Special Court for PCR Cases),Virudhunagar District at Srivilliputhur to accept the surrender of the petitioner and consider their bail

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application on the same day on merit relating to Cr.No.417 of 2025, dated 04.07.2025.

For Petitioner(s): Mr.C.Rathna Vel Pandian.

For Respondent(s): Mr.P.Kotaichamy,
Government Advocate (Crl Side)
for R1
Mr.S.Malaikani for R2

ORDER

The petitioner is A3 in Crime No.417 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b), 115(2), 351(2) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Therefore the petitioner has filed this petition seeking a direction to the Special Court concerned to dispose of his bail application on the date of surrender.

2.The petitioner and the defacto complainant are working together in a company. A complaint has been lodged that this petitioner along with other accused has forced the defacto complainant to consume liquor. On the other hand, the learned counsel for the petitioner submits that the defacto complainant has given some false information as against the

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petitioner to the HR Manager and that was questioned by them, for which a complaint has been foisted as against the petitioner and others. The learned counsel for the petitioner has relied on the orders passed by this court in CrlOP(MD)No.11781 of 2025 dated 18.07.2025, wherein this court has granted relief to A1 and A2. 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.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 confirmed the earlier orders passed by this court in CrlOP(MD)No.11781 of 2025 dated 18.07.2025. The defacto complainant has entered appearance.

4.Considering the facts and circumstances of the case and similar relief has been granted to the co-accused, this Criminal Original Petition is ordered with a direction to the petitioner to surrender within a period of

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two weeks from the date of receipt of a copy of this order before the Special Court for Trial of Cases under SC & ST (POA) Act, Virudhunagar at Srivilliputhur, which, in turn, 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 the surrender, enabling the defacto complainant to advance the 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. Since the petitioner and the defacto complainant are working together, they shall not disturb each other.

05-08-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

1.The State of Tamil Nadu
Rep. by its, The Deputy Superintendent
of Police, Rajapalayam Police Station,
Virudhunagar District.

2.The State of Tamil Nadu
Rep. by its, The Sub Inspector of
Police, Rajapalayam North Police
Station, Virudhunagar District. Crime
No.417 of 2025.

3.Dinesh Karthick
S/o. Goapalakrishnan, North Street,
Seevanallur, Illathur Post, Tenkasi
District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI J.

DSK

CRL OP(MD) No. 11653 of 2025

05-08-2025