

CrIOP(MD)No.11878 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrIOPMD)No.11878 of 2025

Arumugam

... Petitioner(s)

versus

1. The State of Tamil Nadu rep by
The Assistant Commissioner of Police,
Tiruenveli Junction.

2. The State of Tamil Nadu rep by
The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli City.
[Crime No.147 of 2025]

3. Muniasamy

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, direct the learned Sessions Judge cum Special Judge PCR Court, Tirunelveli to accept the surrender of the Petitioner and consider the bail application of the Petitioner on the same day of surrender in Cr.No. 147 of 2025 on the file of the respondent police



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

ORDER

The petitioner is accused in Crime No.147 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 118(1), 351(3) of BNS 2023 and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amended Act, 2015. Therefore, the petitioner has filed this petition, seeking a direction to the learned Sessions Judge, PCR Court, Tirunelveli to consider the bail application on the same day of his surrender.

2.The learned counsel appearing for the petitioner submits that the defacto complainant has borrowed Rs.5000/- from the petitioner and he has repaid Rs.4000/- and the petitioner demanded the balance amount. Therefore, this case has been foisted against him in order to avoid the payment of balance amount. He further submits that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail



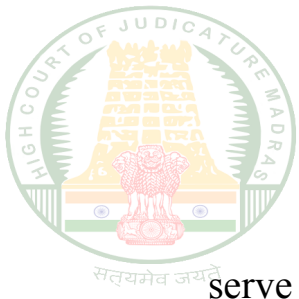
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in the cases registered under the SC/ST (POA) Act. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioner seeks a direction 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 on the same day of the surrender and therefore, by relying upon those orders, the petitioner prays for similar directions.

3.This Court has considered the rival submissions made.

4. Considering the nature of offence and the cause of action for the complaint, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the learned Sessions Judge, PCR Court, Tirunelveli 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



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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.

15.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

DSK

To

1. The Sessions Judge,PCR Court,Tirunelveli.
2. The Assistant Commissioner of Police,
Tiruenveli Junction.
3. The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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