

CrIOP(MD)No.11895 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.11895 of 2025

Kalaiselvi

... Petitioner(s)

versus

1. The State of Tamil Nadu rep by
The Deputy Superintendent of Police
Thiruchuli Sub Division,
Virudhunagar District.

2. The Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
[Crime No.62 of 2025]

3. Nagaselvi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, 1989/ Sessions Judge (FAC), Virudhunagar District at Srivilliputhur to consider the bail petition to be filed by the petitioner on the same day on her surrender.

For Petitioner : Mr.I.Suthakaran

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



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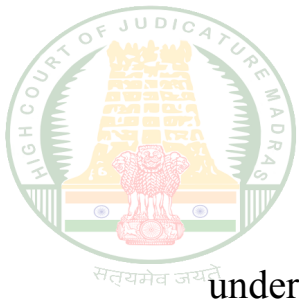


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ORDER

The petitioner is accused in Crime No.62 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b) and 351(3) of BNS 2023 and Sections 3(1)(r), 3(1)(s) 3(2)(va) 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 Special Court concerned to consider the bail application on the same day of her surrender.

2.The learned counsel appearing for the petitioner submits that the petitioner's daughter and the defacto complainant's son had married and it is a love marriage. Therefore there was a dispute between the petitioner and the defacto complainant. Therefore the defacto complainant has foisted a false complaint that the petitioner has abused and intimidated the defacto complainant. 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



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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 no one is injured, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Virudhunagar 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



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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,
Special Court for Exclusive Trial of Cases under
SC/ST(POA) Act,
Virudhunagar.
2. The Deputy Superintendent of Police
Thiruchuli Sub Division,
Virudhunagar District.
3. The Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

DSK

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