

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-08-2025

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CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL OP(MD) No. 12238 of 2025

1. Kannan

S/o.Ramachandran, No.207, Kandiyar
Theru, Veppankadu, Enathi Post,
Thanjavur District.

2. Udhayachandran

S/o.Karunanithi, No.105, A.Kandiyan
Street, Pattukottai Taluk, Thanjavur
district.

3. Rajapandiyan

S/o.Karuppaiyan, No.866, Karambai
Mill, Kollaikadu, Orathanadu Taluk,
Thanjavur District.

Petitioner(s)

Vs

1. The State of Tamilnadu

Rep by, The Deputy Superintendent of
Police, O/o.The Deputy Superintendent
of Police, Pattukottai Sub Division,
Thanjavur District.

2.The Inspector of Police

Pattukottai Taluk Police Station,
Thanjavur District. Cr.No.248 of 2025.

3.Sakthivel

S/o.Lakshmanan, Adhithiravidar Street,
Thamarankottai, Pattukottai Taluk,
Thanjavur District.

Respondent(s)



PRAYER : Petition filed under Section 528 of BNSS, to accept the surrender of the petitioners before the Special Court for S.C/S.T(Prevention of Atrocities) Act, i.e., the 1st Additional District and Sessions Judge at Thanjavur in connection with the Cr.No.248 of 2025 on the file of the 2nd respondent police and to consider the bail application filed by the petitioners on the same day.

For Petitioner(s): Mr.K. M.Karunakaran.
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl Side),
for R1 and R2
Dr.R.Alagumani for R3

ORDER

The petitioners are Accused Nos.1 to 3 in Crime No.248 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b), 126(2), 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 defacto complainant has borrowed Rs.10,000 from A1 and he has repaid Rs.5,000/-. However he has not repaid the balance amount and he could not be contacted for a long time. When the defacto complainant was on his way to hospital in a two wheeler along with another, the

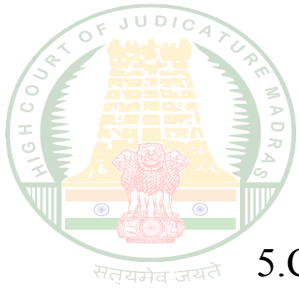


petitioners have intercepted the defacto complainant, abused and criminal intimidated him. It is a case in counter.

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3.The learned counsel for the petitioners submits that the occurrence has taken place when A1 has demanded repayment of money from 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 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.

4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submits that since the defacto complainant has not repaid the borrowed money, the petitioners abused and attacked him. It is a case in counter. The learned counsel for the defacto complainant submits that the defacto complainant has borrowed Rs.10,000/- from A1 and he has repaid Rs.7,500/- and he was abused and brutally attacked by the accused. He fairly admits that the defacto complaint has been discharged from hospital.



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5. Considering the facts and circumstances of the case, the defacto complainant has been attacked while the petitioners demanded repayment of money and it is a case in counter, this Criminal Original Petition is ordered with a direction to the petitioners to surrender within a period of two weeks from the date of receipt of a copy of this order before the learned I Additional District and Sessions Judge, Special Court for Trial of Cases under SC & ST (POA) Act, Thanjavur, who in turn, 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 complainant 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.

05-08-2025

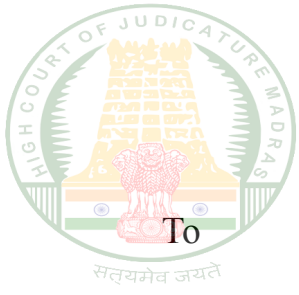
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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1. I Additional District and Sessions Judge,
Special Court for Trial of Cases
under SC & ST (POA) Act,
Thanjavur.

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of Police, Pattukottai Sub Division,
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3. The Inspector of Police
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B.PUGALENDHI J.

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