



Crl.O.P.(MD)No.12326 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12326 of 2025

Ponnuthai

... Petitioner

Vs

1.The State of Tamilnadu
Represented by
The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

2.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
Crime No.213 of 2025

3.Asotha

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Judge, Special Court for trial of cases under SC/ST Act, II Additional District Court, Tirunelveli to accept the surrender of the petitioner and to consider the bail application to be filed by the petitioner, on the same day in Crime No.213 of 2025, on the file of the second respondent police.



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For Petitioner

: Mr.T.A.Ebenezer

For R1 & R2

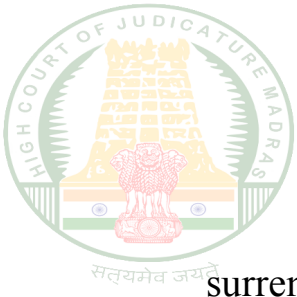
: Mr.A.S.Abul Kalaam Azad

Government Advocate (Crl.side)

ORDER

The petitioner is A1 in Crime No.213 of 2025 on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 296(b), 115(2) of BNS, 2023 and Section 3(1)(r) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to Special Court concerned to dispose of her bail application on the date of her surrender.

2.The learned counsel for the petitioner submits that there was a wordy alteration with the defacto complainant, while grassing her cows. The petitioner's husband is also an accused in this case and he has been released on bail. 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



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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 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 their surrender and therefore, by relying upon the similar orders, the petitioner prayed for similar directions.

3.Mr.Abul Kalaam Azad, learned Government Advocate (Crl.side) takes notice for the respondents 1 and 2 and confirmed that the co-accused has been released on bail. He further submits that the injured person has been discharged from the hospital.

4.Considering that the dispute is on account of trivial issue, the co-accused has been released on bail and also considering that the injured has been discharged from the hospital, this Court is inclined to grant relief to the petitioner.



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5. Accordingly, this Criminal Original Petition is allowed.

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The petitioner is directed to surrender before the Special Court for trial of cases under SC/ST Act, II Additional District 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 serve a copy of the bail petition well in advance to the defacto complaint along with the proposed date of her surrender, enabling the complainant to submit her 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.

22.07.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

vrn



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To
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- 1.The Special Court for trial of cases under SC/ST Act,
II Additional District Court, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD)No.12326 of 2025

22.07.2025