

Crl.O.P.(MD)No.12404 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 23.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12404 of 2025

Prabhuandavar

... Petitioner

Vs

**1.The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.**

**2.The State of Tamil Nadu,
The Sub Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
Crime No. 148/2025.**

3.Karuppaiah

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to pass an order permitting the petitioner to surrender and accept the Bail application filed by the petitioner before the Special Court for PCR Act, Virudhunagar at Srivilliputhur, in Crime No. 148 of 2025 on the file of the 2nd respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law.



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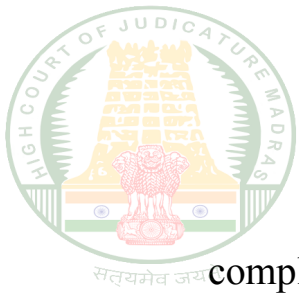
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For Petitioner : Mr.E.Mareeshkumar
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The petitioner is A1 in Crime No.148 of 2025 on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 296(b), 127(2), 115(2), 118(1), 351(2) of BNS, 2023 r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of of SC/ST (Prevention of Atrocities) Act, 1989. 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 his surrender.

2.The learned counsel for the petitioner submits that the defacto complainant has teased the wife of the petitioner and therefore, there was a wordy altercation, which was exaggerated and a complaint has been lodged to that effect. He further submits that in fact the petitioner's wife has lodged a complaint as against the defacto complaint, which was treated as a petition enquiry in CSR No.112 of 2025. Subsequently, the issue has been amicably settled in the police station. Thereafter, this complaint has been lodged by the defacto



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complainant that the petitioner has abused him by degrading his caste name. 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. 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 submits that due to previous motive this occurrence had taken place. He further submits that no one is injured.

4.Considering that the dispute is on account of previous



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motive and no one is injured in the incident, this Court is inclined to grant relief to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed.

The petitioner is directed to surrender before the Special Court for PCR Act, Virudhunagar at Srivilliputhur, 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 complainant along with the proposed date of his surrender, enabling the complainant to submit his 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.

23.07.2025

NCC : Yes/No

Index : Yes/No

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To

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- 2.The Deputy Superintendent of Police,
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Virudhunagar District.
- 3.The State of Tamil Nadu,
The Sub Inspector of Police,
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B.PUGALENDHI,J

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