



Crl.O.P.(MD)No.12455 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12455 of 2025

Jegan

... Petitioner/Accused Rank
Unknown

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi Subdivision,
Tirunelveli District.

2.The Sub-Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District
(Cr.No.452/2025).

...Respondent Nos.1 and 2/
Complainants

3. Prakash

...Respondent No.3/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned II Additional Sessions Judge, Tirunelveli to accept the surrender of the petitioner in connection with the Cr.No.452/2025 pending investigation on the file of the 2nd respondent Police and to consider and pass orders in the bail application on the same day.

For Petitioner : Mr.R.M.Loganathan

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



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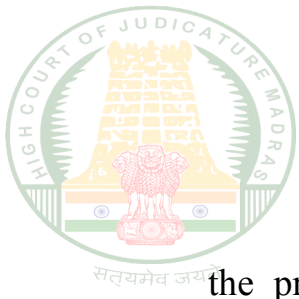
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ORDER

The petitioner is the accused (Rank not known) in Crime No.452 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 189(2), 296(b), 115(2), 118(1), 351(3), 4 of BNS 2023 and Sections 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST Prevention of Atrocities Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the learned II Additional Sessions Judge, Tirunelveli, to consider his bail application on the same day of surrender.

2.The learned counsel appearing for the petitioner submits that on 13.07.2025 at about 8.30 p.m., the accused persons came on six bikes at Mullai Nagar Panchayat Street, armed with sickles and sticks and abused using filthy language and attacked the defacto complainant and his friends and mother. Hence, a case has been foisted under the provisions of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

3.The learned counsel for the petitioner would further submit that pursuant to the order of notice, dated 12.08.2025, he served the notice to the defacto complainant and he received the same and hence he has produced



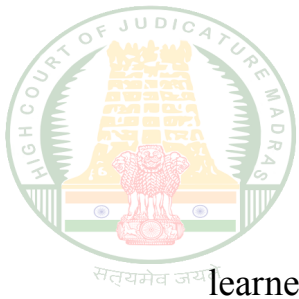
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the proof of service in USR No.9000 of 2025. Further he submits that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. He further submits that this case is a foisted one and the petitioner will prove his innocence. 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 by the accused on the same day of his surrender.

4.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that it is a case and counter case and the co-accused were released on bail.

5.Considering the submissions made on either side, this Criminal Original Petition is allowed with a direction to the petitioner to surrender before the learned II Additional Sessions Judge, Tirunelveli,, within a period of two weeks from the date of receipt of a copy of this order and the



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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.

19.08.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The learned II Additional Sessions Judge, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Cheranmahadevi Subdivision,
Tirunelveli District.
- 3.The Sub-Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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