



Crl.O.P.(MD)No.12473 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12473 of 2025

Nesam Joseph @ Joseph

... Petitioner

versus

1. The State of Tamilnadu, rep. by
The Deputy Superintendent of Police,
Tiruppathur,
Sivagangai District.

2. The Sub Inspector of Police,
Nachiyarpuram Police Station,
Sivagangai District.

3. Muthu

...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, Sivagangai, in Crime No.131 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 forthwith.

For Petitioner : M/s.R.Ilayarani



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

ORDER

The petitioner is an accused in Crime No.131 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b) and 351(1) of BNS and Section 3(1)(r) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition, seeking a direction to the Special Court for PCR Act, Sivagangai, to consider his bail application on the same day of his surrender.

2. The petitioner is the Panchayat President. The defacto complainant is the Vice President. The case of the prosecution is that the petitioner has conducted a Grama Saba Meeting on his own, in the absence of the government officials and also got signatures from the villagers in the blank papers. When the same was questioned by the defacto complainant, the petitioner abused him in filthy language by using his caste name.



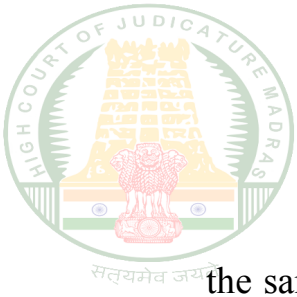
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3. The learned counsel appearing for the petitioner submits that section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. She further submits that this case is a foisted one and the petitioner 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 on the same day of their surrender and therefore, by relying upon the similar orders, the petitioner prays for similar directions.

4. Heard the learned Government Advocate (Crl. Side).

5. Considering the nature of offence, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the Special Court for PCR Act, Sivagangai, 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



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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 his surrender, enabling the complainant to submit their 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.

24.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

1. The Special Court for PCR Act,
Sivagangai.
2. The Deputy Superintendent of Police,
Tiruppathur,
Sivagangai District.
3. The Sub Inspector of Police,
Nachiyarpuram Police Station,
Sivagangai District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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