



CrI.O.P.(MD)No.12676 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.12676 of 2025

M. Justin Prakash

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

2. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

...Respondent Nos.1 and 2/
De-jure complainants

3. Meenakshi

... Respondent No.3/Defacto
complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Dindigul District to accept his surrender and bail application of the petitioner herein respect of Crime No.229/2025 on the file of the Inspector of Police, Kodaikkanal Police Station, Dindigul District and consider the same on merits and in accordance with law on the same day forthwith.



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CrI.O.P.(MD)No.12676 of 2025

For Petitioner : Mr.Muruganantham.D

For R1 & R2 : Mr.P.Kottaichamy
Government Advocate

ORDER

The petitioner is the sole accused in Crime No.229 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 115(2) of BNS 2023 and Section 4 of TNPWH Act and Sections 3(1)(r), 3(1)(s), 3(1)(y) and 3(2)(va) of SC/ST Prevention of Atrocities Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the learned Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Dindigul District, to consider his bail application on the same day of surrender.

2. The learned counsel appearing for the petitioner submits that the defacto complainant has encroached the Government Poramboke land by way of temporary hut in S.No.8, Kodaikanal, Dindigul District. The petitioner's house is situated on his patta land in Survey No.9/2. To reach the Government Poramboke land, the defacto complainant and others came to the petitioner's house and made an attempt to remove the gate put up by



Crl.O.P.(MD)No.12676 of 2025

WEB COPY

the petitioner in the compound wall. There was a wordy altercation and hence, the complaint.

3. The learned counsel for the petitioner 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 his surrender and therefore, by relying upon the similar orders, the petitioner prayed for similar directions.

4. The learned Government Advocate (Crl. Side) has raised serious objection that the petitioner is having three previous cases in Crime Nos.458 of 2016 for the offences under Section 294(b), 342, 353 of IPC, Crime No. 10 of 2012 for the offences under Section 379, 447 of IPC and Crime No. 189 of 2010 for the offences under Section 147, 427, 506(i) of IPC.



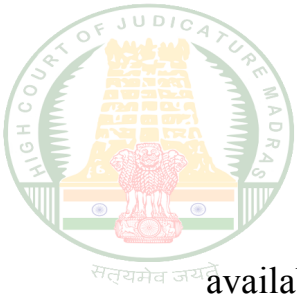
Crl.O.P.(MD)No.12676 of 2025

WEB COPY

5. In reply, the learned counsel for the petitioner would submit that the above three cases, which were filed against the petitioner have been quashed by this Court in Crl.O.P(MD) No.14825 of 2020, dated 20.07.2022 and in Crl.O.P(MD) No.10952 of 2012, dated 18.07.2018.

6. Considering the facts and circumstances of the case and also considering the fact that the previous cases filed against the petitioner were quashed by this Court, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the learned Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Dindigul District, 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 his surrender, enabling the complainant to submit their arguments, if any.

7. The Public Prosecutor concerned is expected to be available in the Court and the Public Prosecutor can very well get instructions with the



CrI.O.P.(MD)No.12676 of 2025

WEB COPY

available scientific modes. The bail application in any event shall be disposed on merits on the same day.

06.08.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

Indu

To

- 1.The learned Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Dindigul District.
- 2.The Deputy Superintendent of Police, Kodaikanal, Dindigul District.
- 3.The Inspector of Police, Kodaikanal Police Station, Dindigul District.



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CrI.O.P.(MD)No.12676 of 2025

B.PUGALENDHI, J.

Indu

CrI.OP(MD) No.12676 of 2025

06.08.2025