

Crl.O.P.(MD)No.12546 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12546 of 2025

Periysamy

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(Cr.No.157 of 2025)

3.Thavamaniraja

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Judge for SC/ST (POA) PCR Court, Theni to accept the surrender of the petitioner and consider his bail application on the same day on merits in relating to Cr.No.157 of 2025 dated 15.07.2025 on the file of the respondent Police.

For Petitioner : Mr.S.Arokiya Selva Ramesh



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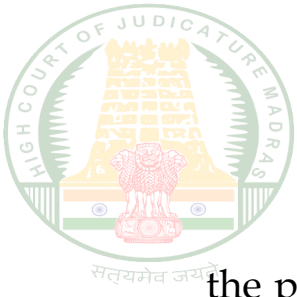
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For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is A2 in Crime No.157 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Section 353(1)(b) BNS and Section 3(1)(u) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the learned Special Judge for SC/ST (POA) PCR Court, Theni to consider his bail application on the same day of his surrender.

2.The learned counsel for the petitioner submits that this Court already granted similar directions to A1 in this case. He also 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



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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.

3.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that no one was injured in this case.

4.This Court has considered the submissions made on either side and perused the available materials placed before this Court.



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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 Special Judge for SC/ST (POA) PCR Court, Theni, 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 their 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.

12.08.2025

Index : Yes/No

Internet:Yes

gns



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To

- 1.The Special Judge for SC/ST (POA) PCR Court, Theni
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
- 3.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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