

Crl.O.P.(MD)No.12623 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12623 of 2025

T.Dheivendran

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2.The Inspector of Police,
Rayappapatti Police Station,
Theni District.

3.Divyadevi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for the Exclusive trial of SC/ST cases, Theni to consider the bail application on the surrender on the same day, is any petition filed by the petitioners in Crime No.130 of 2025 on the file of the second respondent.

For Petitioner : Mr.C.Susikumar

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



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ORDER

The petitioner is A3 in Crime No.130 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 296(b), 115(2), 351(3) BNS, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the Special Court for the Exclusive trial of SC/ST cases, Theni to consider his bail application on the same day of his surrender.

2.The learned counsel appearing for the petitioner submits that the this Court already issued similar direction to the co-accused in this case.



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3.The learned counsel for the petitioner 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 the petitioner will prove their 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 their surrender.

4.The learned Government Advocate (Crl. Side) appearing for the official respondents confirms that this Court already



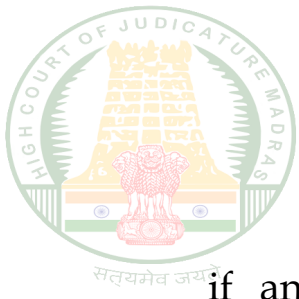
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issued similar direction to the co-accused and submits that there is no antecedents as against the petitioner.

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

6.Considering the submissions made on either side, this Criminal Original Petition is allowed with a direction to the petitioner to surrender before the Special Court for the Exclusive trial of SC/ST cases, 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,



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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.

28.07.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

gns

To

1.The Special Court for the Exclusive trial of SC/ST cases, Theni.

2.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

3.The Inspector of Police,
Rayappapatti 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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