



Crl.O.P.(MD)No.12617 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.12617 of 2025

R.Sudhakar

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District, Pudukkottai.

2.The Sub Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

3.Vijaykumar

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Additional District Judge (Special Court for SC/ST Act Cases), Pudukkottai to consider the petitioner's bail application and surrender on the same day which would be filed by the petitioner in connection with the Crime No.271 of 2025 on the file of the second respondent Police.

For Petitioner : Mr.S.Sekar

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



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ORDER

The petitioner is A3 in Crime No.271 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 191(2), 191(3), 296(b), 118(1), 351(3) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) & 3(1) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Amendment Act, 2015. Therefore, the petitioner has filed this petition seeking a direction to the learned Additional District Judge (Special Court for SC/ST Act Cases), Pudukkottai to consider his bail application on the same day of their surrender.

2.The case of the prosecution is that A1 is said to have questioned the conduct of the friend of the defacto complainant on having discussion with a woman during late night hours. Therefore, the defacto complainant went to A1's house and questioned him and hence, the accused persons abused the defacto complainant and also assaulted him.



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3.The learned counsel appearing for the petitioner submits that the the injuries are simple in nature and the defacto complainant was treated as out-patient. Further, he submits that the defacto complainant is the aggressor.

4.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



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application filed by the accused on the same day of their surrender.

5.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that the injuries suffered by the defacto complainant are simple in nature.

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

7.Considering the submissions made on either side, this Criminal Original Petition is allowed with a direction to the petitioner to surrender before the learned Additional District Judge (Special Court for SC/ST Act Cases), Pudukkottai, 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



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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.

28.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns



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To

- 1.The Additional District Judge (Special Court for SC/ST Act Cases),
Pudukkottai.
- 1.The Superintendent of Police,
Pudukkottai District, Pudukkottai.
- 2.The Sub Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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