

CrI.O.P.(MD)No.12627 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

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- 1.K.Balan @ Balakrishnan
- 2.S.Ramasamy
- 3.V.Annamalai
- 4.N.Nagarasu Nayakkar @ Nagamani

... Petitioners

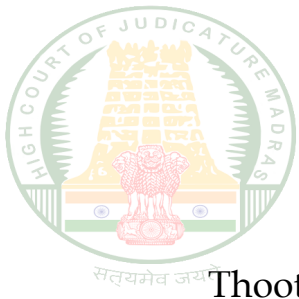
Vs.

- 1.The Deputy Superintendent of Police (Rural),
O/o. the Deputy Superintendent of Police,
Thoothukudi District.
(Crime No.58/2025)
- 2.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
(Crime No.58/2025)

3.Sudalaimuthu

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the District and Sessions Court (Special Court for Schedule Castes and Schedule Tribes [Prevention of Atrocities] Act, 1989),



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Thoothukudi to accept the surrender of the petitioners / A1 to A4 and consider the petitioners' bail application and grant bail on the date of surrender itself in Crime No.58 of 2025 dated 20.07.2025 on the file of the second respondent Police.

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

ORDER

The petitioners are A1 to A4 in Crime No.58 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 296(b), 118(1), 351(3) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have filed this petition seeking a direction to the District and Sessions Court (Special Court for Schedule Castes and Schedule Tribes [Prevention of Atrocities] Act, 1989), Thoothukudi to consider their bail application on the same day of their surrender.



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2.The learned counsel appearing for the petitioners submits that there is a pathway dispute between the petitioners and the defacto complainant and the same has been exaggerated by the defacto complainant.

3.The learned counsel for the petitioners 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 petitioners will prove their innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioners seek 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.

4.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that the defacto complainant has suffered injury on the index finger and he has already been discharged from the hospital.

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 petitioners to surrender before the District and Sessions Court (Special Court for Schedule Castes and Schedule Tribes [Prevention of Atrocities] Act, 1989), Thoothukudi, within a period of two weeks from the date of receipt of a copy of this order and the



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Learned Judge of the Special Court is directed to entertain the bail application if any filed by the petitioners on the same day. In the meantime, the petitioners 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 District and Sessions Court
(Special Court for Schedule Castes and Schedule Tribes
[Prevention of Atrocities] Act, 1989),
Thoothukudi.
- 2.The Deputy Superintendent of Police (Rural),
O/o. the Deputy Superintendent of Police,
Thoothukudi District.
- 3.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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