



Crl.O.P.(MD)No.12853 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12853 of 2025

1. Muthu @ Muthu Karpagam
2. Lakshmi
3. Nambithai

... Petitioners

versus

1. State of Tamil Nadu, through
The Assistant Commissioner of Police,
Tirunelveli City Division,
Tirunelveli District.
2. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.

3. Mariammal

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the II Additional Sessions Court (PCR Court), Tirunelveli, to considering the petitioners' bail application on the same day of surrender in Crime No.208 of 2025 dated 15.07.2025 on the file of the 2nd respondent Police.

For Petitioners : Mr.R.Muthuram

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



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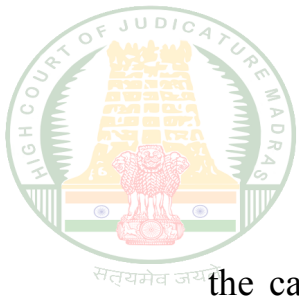
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ORDER

The petitioners are the accused Nos.1 to 3 in Crime No.208 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 118(1) and 351(3) of BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have filed this petition, seeking a direction to the II Additional Sessions Court (PCR Court), Tirunelveli, to consider their bail application on the same day of their surrender.

2. The case of the prosecution is that on 14.07.2025 at about 12.30 p.m. when the 3rd respondent/defacto complainant along with her sister went to fetch some water from the water lorry, the petitioners said to have abused the defacto complainant and her sister using their caste name and also assaulted them with the paint container and threatened them with dire consequences.

3. The learned counsel appearing for the petitioners submits that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in



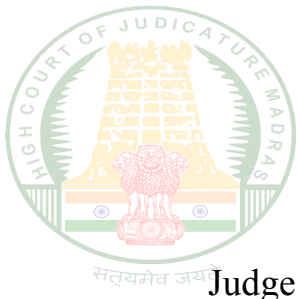
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the cases registered under the SC/ST (POA) Act. He further submits that this case is a foisted one and the petitioners will prove their innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender 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 application filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioners pray for similar directions.

4. The learned Government Advocate (Crl. Side) submits that the injured have been discharged from the hospital and the petitioners are not having any previous case.

5. Considering the nature of offence and considering the fact that the injured have been discharged from the hospital, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the II Additional Sessions Court (PCR Court), Tirunelveli, within a period of two weeks from the date of receipt of a copy of this order and the learned



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Judge 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.

31.07.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

1. The II Additional Sessions Court (PCR Court),
Tirunelveli.
2. The Assistant Commissioner of Police,
Tirunelveli City Division,
Tirunelveli District.
3. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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