

Crl.O.P.(MD)No.12848 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12848 of 2025

Sudalaikannan @ Sudalaikan

... Petitioner

versus

1. State of Tamil Nadu, through
The Deputy Superintendent of Police,
Valliyoor Sub Division,
Tirunelveli District.

2. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

3. Kanjana

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the II Additional Sessions Court (PCR Court), Tirunelveli, to considering the petitioner's bail application on the same day of surrender in Crime No.708 of 2025 dated 23.07.2025 on the file of the 2nd respondent Police.

For Petitioner : Mr.R.Muthuram

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



CrI.O.P.(MD)No.12848 of 2025

WEB COPY

ORDER

The petitioner is the sole accused in Crime No.708 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 79, 131 and 351(2) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 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 petitioner has filed this petition, seeking a direction to the II Additional Sessions Court (PCR Court), Tirunelveli, to consider his bail application on the same day of his surrender.

2. The petitioner and the 3rd respondent/defacto complainant are college students. On 23.07.2025, at about 4.00 p.m., when the defacto complainant was returning from the college, she saw her cousin, by name, Vijay speaking with the petitioner. When the defacto complainant went towards them, the petitioner said to have abused the defacto complainant and her cousin by using the caste name and attacked them with hands and threatened them with dire consequences.



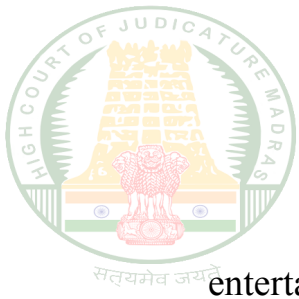
Crl.O.P.(MD)No.12848 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner 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 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 on the same day of their surrender and therefore, by relying upon the similar orders, the petitioner prays for similar directions.

4. Heard the learned Government Advocate (Crl. Side).

5. Considering the nature of offence and considering the fact that the petitioner is a college student, this Criminal Original Petition is disposed of with a direction to the petitioner 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 Judge is directed to



CrI.O.P.(MD)No.12848 of 2025

WEB COPY

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 his 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

ogy

To

1. The II Additional Sessions Court (PCR Court),
Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoor Sub Division,
Tirunelveli District.
3. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.



CrI.O.P.(MD)No.12848 of 2025

WEB COPY

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



WEB COPY



Crl.O.P.(MD)No.12848 of 2025

B.PUGALENDHI, J.

ogy

Crl.OP(MD)No.12848 of 2025

31.07.2025