



Crl.O.P.(MD)No.13153 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13153 of 2025

1. Rathinam

2. Valli @ Valliraj

3. Nambi @ Thirumalai Nambi

4. Veni @ Krishnaveni

... Petitioners/Accused Nos.1 to 4

Vs.

1.The State of Tamil Nadu,
The Commissioner of Police,
Tirunelveli City, Tirunelveli District.

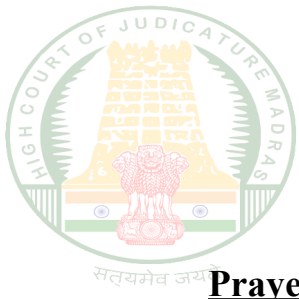
2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
(Cr.No. 230/2025).

...Respondent Nos.1 and 2/
Complainants

3.Sharmila

4.Mariyammal

... Respondent Nos.3 and 4/
Defacto complainants



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Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court (PCR Court Wing) Tirunelveli, Tirunelveli District to accept the surrender of the petitioners and consider the bail application of the petitioners on the same day on merits in the event of their surrender in connection with Crime No.230 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Ka.Raamakrishnan

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

ORDER

The petitioners are the accused in Crime No.230 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 126(2), 296(b), 115(2), 324(4), 351(2) of BNS and 4 of Prohibition of Harassment of Women Act, 2002 and 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Amendment Act, 2015. Therefore, the petitioners have filed this petition seeking a direction to the Special Court (PCR Court Wing) Tirunelveli, Tirunelveli District, to consider their bail application on the same day of their surrender.

2.The defacto complainants, who are neighbours of the accused, were using a water motor that had developed a fault. The motor was repaired by



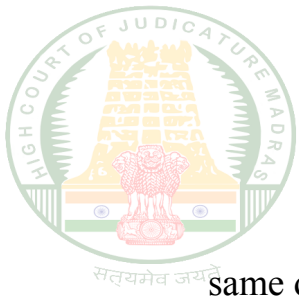
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the third accused. When the defacto complainants went to attend to the said motor, the accused abused them in filthy language, pulled the hair of the fourth respondent, and pushed them to the ground, causing injuries.

3. The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainants are neighbours and are using a common water motor for drawing water, for which, the dispute arose between them. According to the learned counsel, the victims sustained only simple injuries and were treated as outpatients.

4. The learned counsel for the petitioners would also submit 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 application filed by the accused on the



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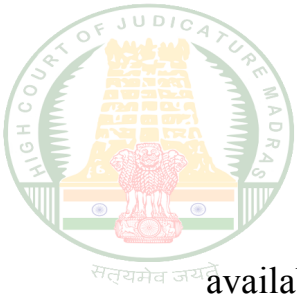
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same day of their surrender.

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. Further, the petitioner No.2/Accused No.2 has been arrested and is presently in judicial custody.

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 partly allowed with a direction to the petitioner Nos.1, 3 and 4 to surrender before the Special Court (PCR Court Wing) Tirunelveli, Tirunelveli, 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 Nos.1, 3 and 4 on the same day. In the meantime, the petitioner Nos.1, 3 and 4 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



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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.

8. Insofar as petitioner No.2/accused No.2 is concerned, this Criminal Original Petition stands dismissed, as he has been arrested by the second respondent police during the pendency of this petition.

06.08.2025

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

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To

- 1.The Special Court (PCR Court Wing) Tirunelveli,
Tirunelveli.
- 2.The State of Tamil Nadu,
The Commissioner of Police,
Tirunelveli City, Tirunelveli District.
- 3.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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