



Crl.O.P.(MD)No.13107 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13107 of 2025

A.S.Rajkumar

... Petitioner

versus

1.The State of Tamilnadu Rep.by
The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2. The State of Tamil Nadu rep. by
The Inspector of Police
Periyakulam Police Station,
Theni District (Cr.No.184/2025).

3. M.Gunamuthu
4. Induja

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC / ST (Prevention of Atrocities) Act, 1989, Theni to accept the surrender of the Petitioner in connection with the crime No.184 of 2025 on the file of the second respondent police and to consider the petitioner's bail application on the same day.



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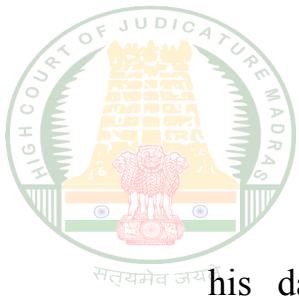
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For Petitioner : Mr.R.Shankar Ganesh
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)
For R3 & R4 : No appearance

ORDER

The petitioner is the sole accused in Crime No.184 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 296(b), 351(2) of BNS, 2023 and Section 3(1)(r) 3(1)(s) & 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition, seeking a direction to the Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Theni, to consider his bail application on the same day of his surrender.

2. The petitioner is the Principal of a private school. The case of the prosecution is that the defacto complainant's daughter was admitted to the said school, where she was allegedly subjected to discrimination on the very first day by being instructed to sit separately. When the defacto complainant questioned this act, the school refunded the fees and advised him to admit



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his daughter in another institution. Upon raising the issue with the petitioner, who is the Principal of the school, the petitioner is said to have threatened the defacto complainant and abused him by using his caste name. Consequently, the present complaint came to be lodged.

3. This Court, by order dated 05.08.2025, directed issuance of notice to the private respondents. Though notice has been duly served on them and their names are also printed in the cause list, none has entered appearance on their behalf.

4. The learned counsel for the petitioner would submit that the petitioner, despite being aware of the caste of the defacto complainant, had admitted his daughter in the school. It is contended that the child displayed abnormal behaviour and caused injuries to other students in the classroom. Consequently, the parents of the affected children lodged a complaint before the school administration. In order to prevent recurrence of such incidents, the administration advised that the child be seated separately. However, this has been projected as an act of discrimination. It is further submitted that the defacto complainant failed to produce the child's birth certificate and Aadhaar card, and therefore, he was advised to obtain the Transfer



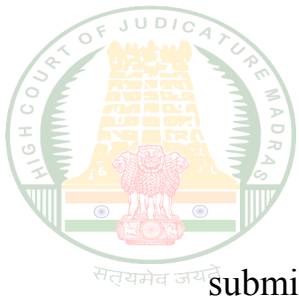
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Certificate and admit the child in another school. With this motive, the defacto complainant has lodged a false complaint.

5. The learned counsel for the petitioner further submits that the complaint has been registered based on the vague allegations of the defacto complainant. The defacto complainant sustained simple injuries and he was discharged from the hospital. He further 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.

6. The learned Government Advocate (Crl. Side), appearing for the respondent police, on instructions from the Investigating Officer who is also present before this Court, confirmed the petitioner's contention. It is



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submitted that the investigation has disclosed no act of discrimination on the part of the petitioner, and that the issue arose solely on account of the misbehavior of the child in the classroom.

7. Considering the nature of offence, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Theni, 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 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.

13.08.2025

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



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To

1. The Special Court for Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, Theni.
2. The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
3. The Inspector of Police
Periyakulam Police Station,
Theni District (Cr.No.184/2025).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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