



Crl.O.P.(MD)No.13210 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13210 of 2025

1. Arun
2. Mahendran
3. M.Malaipandi

... Petitioners

versus

1. The State of Tamilnadu, rep. by
The Deputy Superintendent of Police,
Periyakulam Taluk,
Theni District.
2. The State rep. by
The Inspector of Police,
Jayamangalam Police Station,
Theni District.
3. Maruthapandi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC/ST (Prevention of Atrocities Act), Dindigul District, to consider the surrender and bail application filed by the petitioners in Crime No.183 of 2025 pending on the file of the 2nd respondent Police and to consider the bail application filed by the petitioners on the same day.



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For Petitioners : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

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

ORDER

The petitioners are the accused Nos.1 to 3 in Crime No.183 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 191(2), 296(b) and 115(2) of BNS r/w. Sections 3(1)(r), 3(1)(s) and 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 Special Court for SC/ST (Prevention of Atrocities Act), Dindigul District, to consider their bail application on the same day of their surrender.

2. The case of the prosecution is that on 29.07.2025, while the defacto complainant was on his way to purchase eggs, the petitioners said to have abused him in filthy language by using his caste name, due to which, there was a wordy quarrel between the parties, in which, the defacto complainant also sustained injuries.



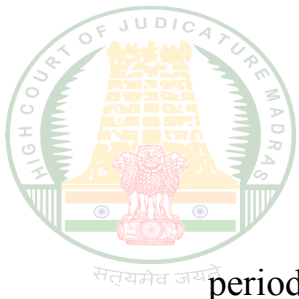
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3. The learned counsel appearing for the petitioners submits that the defacto complainant, who was in an inebriated condition, has created problem with the petitioners. However, the defacto complainant has lodged this false complaint as against the petitioners. He further submitted that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. 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 submitted 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 prayed for similar directions.

4. The learned Government Advocate (Crl. Side) submits that the victim/injured in this case has been treated as out-patient.

5. Considering the nature of offence, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the Special Court for SC/ST (Prevention of Atrocities Act), Dindigul District, within a



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period of two weeks from the date of receipt of a copy of this order and the learned 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 complainant 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.

07.08.2025

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

1. The Special Court for SC/ST (Prevention of Atrocities Act),
Dindigul District.
2. The Deputy Superintendent of Police,
Periyakulam Taluk,
Theni District.



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3. The Inspector of Police,
Jayamangalam Police Station,
Theni District.

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



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B.PUGALENDHI, J.

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