

Crl.O.P.(MD)No.13299 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13299 of 2025

R.Rajakumari

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Pudukkottai Rural, Pudukkottai District.

2.The Inspector of Police,
Gandarvakkottai Police Station,
Pudukkottai District.
(Crime No.163 of 2025)

3.Saivaraj

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC/ST Act Cases, Pudukkottai to consider the bail application of the petitioner on the same day of her surrender in Cr.No.163 of 2025 on the file of the second respondent Police ie., the Inspector of Police, Gandharvakkottai Police Station, Pudukkottai District.

For Petitioner : Mr.R.M.S.Sethuraman



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

ORDER

The petitioner is A2 in Crime No.163 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), 351(2) BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the Special Court for SC/ST Act Cases, Pudukkottai to consider his bail application on the same day of his surrender.

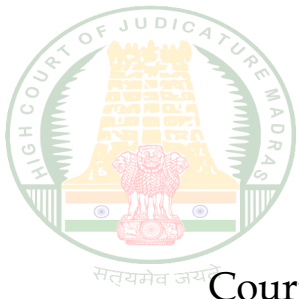
2.The learned counsel appearing for the petitioner submits that on 31.07.2025, the petitioner said to have travelled in a two wheeler along with his mother. The defacto complainant came in his vehicle in a rash and negligent manner and the same was



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questioned by the petitioner. For which, the present false case has been foisted as against the petitioner and others. According to the petitioner, the defacto complainant is a stranger and he is not aware of his community. However, for having questioned the conduct of the defacto complainant, a complaint has been posted as against the petitioner by incorporating the offences under Sections SC/ST Act.

3.The learned counsel for the petitioner also 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



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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 same day of his surrender.

4.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that the investigation is pending.

5.This Court has considered the submissions made on either side and perused the available materials placed before this Court.

6.Considering the submissions made on either side, this Criminal Original Petition is allowed with a direction to the petitioner to surrender before the Special Court for SC/ST Act Cases, Pudukkottai, within a period of two weeks from the date of receipt of a copy of this order and the learned Judge of the



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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 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.

12.08.2025

Index : Yes/No

Internet:Yes

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To

1.The Special Court for SC/ST Act Cases,
Pudukkottai.

2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Pudukkottai Rural, Pudukkottai District.

3.The Inspector of Police,
Gandarvakkottai Police Station,
Pudukkottai District.

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



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B.PUGALENDHI, J.

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