



Crl.O.P.(MD)No.13610 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13610 of 2025

Kannamani

... Petitioner

Vs

1.The State of Tamilnadu, Through
The Deputy Superintendent of Police,
Manamadurai Sub Division,
Poovanthi Police Station,
Poovanthi,
Sivagangai District.

2.The State of Tamilnadu, Through
The Inspector of Police,
Poovanthi Police Station,
Poovanthi,
Manamadurai Sub Division,
Sivagangai District.
(Crime No.126/2025).

3. K.Asaithambi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned III Additional District and Sessions Judge (PCR), Sivagangai to accept the bail application on surrender of the petitioner / Accused and consider the application on the same day on merits in



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crime No.126/2025 on the file of the second respondent police.

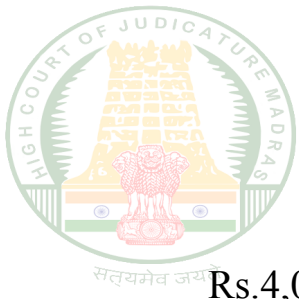
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For Petitioner	: Mr. Gopalan T.K
For R1 & R2	: Mr.P.Kottaichamy
	Government Advocate (Crl.side)

ORDER

The petitioner is accused in Crime No.126 of 2025, on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 296(b), 118(1), 351(3) of BNS and Sections 3(1)(r), 3(1)(s) and 3(1)(p) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the Special Court concerned to dispose of his bail application on the date of his surrender.

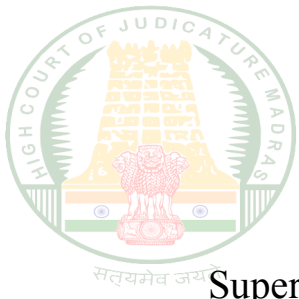
2.The learned Senior Counsel appearing for the petitioner submits that this petitioner accused has purchased a coconut grove in Survey No. 456 /1, Kanakkankudi Village, Hamlet of Yenathi Revenue Village of Thirupuvanam Taluk, to an extent of 1 acre and 40 cents from one Barani, W/o Jayaram, by way of a registered sale deed in Document No.2221 of 2024, dated 08.05.2024. The defacto complainant is having a grievance that she has lent a sum of



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Rs.4,00,000/- to Barani and her husband and has also obtained a lease deed from Barani. Suppressing the same, a document has been registered by Barani to the accused/petitioner. In the circumstances this petitioner went and ploughed the land. Therefore, the complaint has been lodged by the second respondent /defacto complainant. The learned Senior Counsel further submits that there is no lease agreement as projected by the defacto complainant. He has purchased the property after ascertaining the documents from the encumbrance. He is a bona fide purchaser. He has not found any lease deed in favour of the defacto complainant in the Sub Registrar office. However, a complaint has been lodged since this petitioner has ploughed his land. The learned Senior Counsel for the petitioner has referred to the earlier order of this Court in Crl.OP(MD) No.22819 of 2024 and submits that the second respondent/ the defacto complainant and others have been intimidating this petitioner from the year 2024 and therefore, this petitioner has filed a civil suit against the defacto complainant and others before the District Munsif Court, Tirubuvanam and the same is pending in OS No. 42 of 2024. The petitioner has also filed an application seeking a direction under Section 528 of BNSS, to direct the Deputy



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Superintendent of Police, Manamadurai, not to interfere in the civil dispute between the petitioner and Defacto complainant in any way and the same was ordered, considering the representation of the learned Government Advocate that the complaint lodged by one Jayaraman, Parameshwari and Asaithambi as against this petitioner was enquired and it was closed, with a direction to the parties to work out their remedy before the civil Court.

2.1.The learned Senior Counsel further submits that 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 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 his surrender and therefore, by relying upon the similar orders, the petitioner prayed for similar directions.



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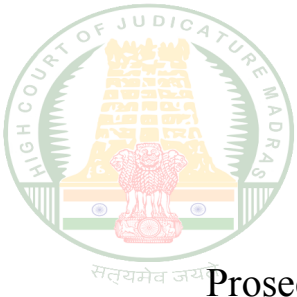
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3.Mr.P.Kottaichamy, learned Government Advocate

(Crl.side) takes notice for the respondents 1 & 2 and submits that there is a civil dispute between the petitioner and the defacto complainant in purchase of the subject coconut grove.

4.Considering the submissions of the learned Government Advocate (Crl.side) that there is a civil dispute between the petitioner and the defacto complainant and considering the nature of offence, this Court is inclined to grant relief to the petitioner.

5.Accordingly, this Criminal Original Petition is allowed. The petitioner is directed to surrender before the learned III Additional District and Sessions Judge (PCR), Sivagangai 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 his arguments, if any. The Public



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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.

18.08.2025

NCC : Yes/No
Index : Yes/No
vrn

To

- 1.The III Additional District and Sessions Judge (PCR), Sivagangai
- 2.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Poovanthi Police Station,
Poovanthi,
Sivagangai District.
- 3.The Inspector of Police,
Poovanthi Police Station,
Poovanthi,
Manamadurai Sub Division,
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B.PUGALENDHI,J

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