



CrI.O.P.(MD)No.13585 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

CrI.OP(MD)No.13585 of 2025

1.Mohana Kumar
2.Selvaraj

... Petitioner

versus

1. State of Tamilnadu, rep. by
The Deputy Superintendent of Police,
Vilavancode Taluk,
Kanyakumari District.

2. State through
The Inspector of Police,
Kadayalumoodu Police Station,
Kanyakumari District.
(crime No.152/2025)

3.Sajitha

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Special Judge for SC/ST (POA) Act cases, Nagercoil, Kanyakumari District to accept the surrender of the petitioners/accused Nos. 1 and 2 and consider their bail application on the same day in connection with crime No.152/2025 on the file of the second respondent police.

For Petitioner : Mr.D.Saravanan

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



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ORDER

The petitioners are the accused in Crime No.152 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 329(3), 296(b), 324(2), 351(3) of BNS, 2023 and 3(1)(r), 3(1)(s), 3(1)(w)(ii), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have filed this petition, seeking a direction to the Special Judge for SC/ST (POA) Act case, Nagarcoil, Kanyakumari District, to consider their bail application on the same day of their surrender.

2. The case of the prosecution is that the petitioners are said to have caused damage to the construction put up by the defacto complainant. According to the learned counsel, the dispute is purely civil in nature, relating to the property. The petitioners claim that the land in question is their community land, in which the defacto complainant has raised certain constructions, which was opposed by the petitioners. It is contended that a false case has been foisted against them on the allegation of causing damage to the said construction. The learned counsel further submits that, in order to establish their bona fides, the petitioners are willing to deposit a sum of ₹5,000/- before the concerned Magistrate Court.



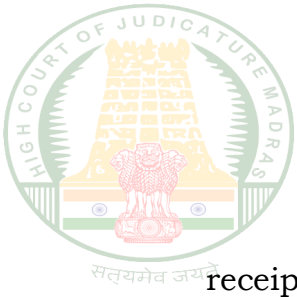
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3. The learned counsel appearing for the petitioners further submits that section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. He further submits that this case is a foisted one and the 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 on the same day of their surrender and therefore, by relying upon the similar orders, the petitioners pray for similar directions.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2.

5. Considering the rival submissions made, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the Special Judge for SC/ST (POA) Act cases, Nagercoil, Kanyakumari District, within a period of two weeks from the date of



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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 petitioners on the same day on condition that the petitioners shall deposit **Rs. 3,000/- each** before the trial court. 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.

18.08.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

1. The Special Judge for SC/ST (POA) Act cases, Nagercoil, Kanyakumari District.
2. The Deputy Superintendent of Police, Vilavancode Taluk, Kanyakumari District.
3. The Inspector of Police, Kadalayumoodu Police Station, Kanyakumari District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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