



Crl.O.P.(MD)No.13567 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13567 of 2025

1.M.Sudhakaran @ Sudhakar

2.Aasai @ Asaithambi Krishnasamy

... Petitioner

versus

1. State of Tamilnadu, through
Deputy Superintendent of Police,
Andipatti,
Theni District.

2. The Sub Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

3.Sendrayan

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the District and Sessions Judge (PCR Cases), Dindigul to consider the petitioners' bail application on the surrender of the petitioners/accused on the same day in connection with Crime No. 167/2025 dated 30.07.2025 on the file of the respondent police on merits on the same day.

For Petitioner : M/s.R.Murugaraj

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



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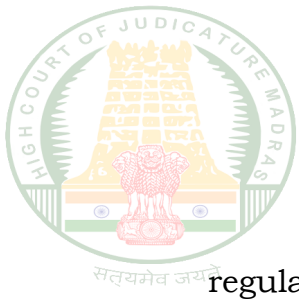
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ORDER

The petitioners are the accused in Crime No.167 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offences under Sections 126(2), 127(2), 296(b), 115(2), 118(1), 351(3) of BNS, 2023 r/w 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST POA Act, 1989. Therefore, the petitioners have filed this petition, seeking a direction to the District and Sessions Judge (PCR Cases) Dindigul, to consider their bail application on the same day of their surrender.

2. According to the petitioners, they had engaged the defacto complainant, who is a mason, for construction work, and due to a dispute regarding the payment of wages, a false case has been foisted against them.

3. The learned counsel appearing for the petitioners 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



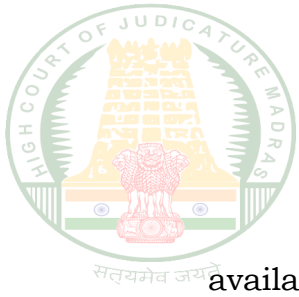
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regular bail. However, the petitioners seek a direction for disposal of the bail application on the same day. He further submits that this Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider 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. The learned Government Advocate (Criminal Side) submitted that the victim had sustained only simple injuries and has been discharged from the hospital.

5. Considering the nature of offence, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the District and Sessions Judge (PCR cases), Dindigul District, 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 petitioners on the same day. In the meantime, the petitioners 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



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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 District and Sessions Judge (PCR Cases), Dindigul.
2. The Deputy Superintendent of Police,
Andipatti,
Theni District.
3. The Sub Inspector of Police,
Kadamalaikundu 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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