

Crl OP(MD)No.13793 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **20.08.2025**

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl OP(MD)No.13793 of 2025

1.Porselvan Asir

2.Sathish

... Petitioners

versus

1.The Deputy Superintendent of Police (Rural),
Office of the Deputy Superintendent of Police,
Thoothukudi District.

2.The State of Tamil Nadu,
Rep by the Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
[Crime No.372 of 2025]

3.Periyaraj

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, to direct the special court for SC /ST (POA) Act, Thoothukudi, Thoothukudi district to consider and dispose of its filing on his surrender in connection with the case in Crime No.372 of 2025 on the file of the Inspector of Police, Pudukottai Police Station, Thoothukudi District.



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Crl OP(MD)No.13793 of 2025

For Petitioners : Mr.S.Micheal Heldon Kumar
For R1 and R2 : Mr.P.Kottaichamy
Government Advocate (Crl. side)

ORDER

The petitioners are accused in Crime No.372 of 2025 on the file of the 2nd respondent Police. The said case was registered for the offence under Sections 296(b), 115(2) and 351(2) of BNS, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Therefore the petitioners have filed this petition seeking a direction to the Special Court concerned to dispose of their bail application on the date of surrender.

2.The learned counsel for the petitioners submits the defacto complainant has parked his two wheeler in front of his house without leaving sufficient space. Therefore, while the petitioners were passing through the street in a mini van, they requested the



Crl OP(MD)No.13793 of 2025

defacto complainant to move his two wheeler. In this regard a dispute arose and this false complaint has been lodged. He 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. 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. Therefore, the petitioners seek a direction for disposal of the bail application on the same day.

3.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submits that the dispute arose in view of the parking of the two wheeler.

4.Considering the facts and circumstances of the case, this Criminal Original Petition is ordered with a direction to the petitioner to surrender within a period of two weeks from the date of receipt of a copy of this order before the Special Court for Trial of Cases under SC & ST (POA) Act, Thoothukudi, which, in turn, is

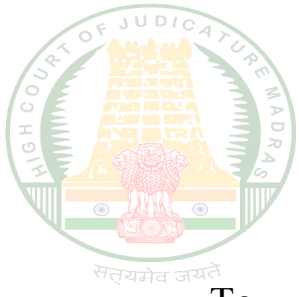


Crl OP(MD)No.13793 of 2025

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 the surrender, enabling the defacto complainant to advance the 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.

20.08.2025

DSK



CrI OP(MD)No.13793 of 2025

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To

- 1.The District and Sessions Judge,
Special Court for Trial of Cases
under SC & ST (POA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police (Rural),
Office of the Deputy Superintendent of Police,
Thoothukudi District.
- 3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI OP(MD)No.13793 of 2025

B.PUGALENDHI, J.

DSK

CrI OP(MD)No.13793 of 2025

20.08.2025