



Crl.O.P.(MD)No.13607 & 13697 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13607 & 13697 of 2025

Siva Perumal @ Siva

... Petitioner in
Crl OP(MD) No.13607/2025

Balasudarson

... Petitioner in
Crl OP(MD) No.13697/2025

Vs

1.The State of Tamilnadu, Rep.,
By the Deputy Superintendent of Police,
Valliyur Division,
Tirunelveli District.

2.The State of Tamilnadu, Rep.,
By the Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.
Crime No.229 of 2025.

3.Vallimurugan

...Respondents in both
petitions

Common Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the the learned Special Court for Exclusive Trial of Cases under SC/ST Act Cases, Tirunelveli to accept the surrender of the petitioners in connection with Crime No.229 of 2025, pending



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Investigation on the file of the 2nd respondent police.

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For Petitioner : Mr.S.Vishnuvardhan,
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)
(in Crl OP(MD) No.13607/2025)

For Petitioner : Mr.P.Ponraj
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)
(in Crl OP(MD) No.13697/2025)

COMMON ORDER

The petitioners are A1 and A2 in Crime No.229 of 2025, on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 296(b), 115(2), 351(2), 303(2) of BNS, 2023 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have filed this petition seeking a direction to the Special Court concerned to dispose of their bail applications on the date of their surrender.



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2.The case of the prosecution is that when the defacto complainant was waiting in the Thalavaipuram Colony bus stand to go to Poombugar Hotel, the accused persons had attacked him, abused him by degrading his caste name and also caused damage to his mobile phone. Hence, the case.

3.The learned counsel for the petitioners submits that the defacto complainant has come to the petitioner's area unnecessarily and has created some problem. When the same was questioned by the petitioners, the defacto complainant has lodged this false complaint. According to the petitioners, they are not even aware of the community of the defacto complainant. 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



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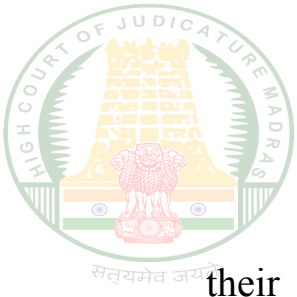
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therefore, by relying upon the similar orders, the petitioner prayed for similar directions.

4.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), who takes notice for the respondents 1 & 2 submits that the injured has been discharged from the hospital on 06.08.2025.

5.Considering the facts and circumstances of the case, nature of offence and the fact that the injured has been discharged from the hospital, this Court is inclined to grant relief to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed. The petitioners are directed to surrender before the Special Court for Exclusive Trial of Cases under SC/ST Act Cases, Tirunelveli, 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 applications, 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 complainant along with the proposed date of



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their surrender, enabling the complainant to submit his 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.

29.08.2025

NCC : Yes/No

Index : Yes/No

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To

- 1.The Special Court for Exclusive Trial of Cases under SC/ST Act
Cases, Tirunelveli
- 2.The Deputy Superintendent of Police,
Valliyur Division,
Tirunelveli District.
- 3.The Inspector of Police,
Thirukkurungudi Police Station,
Tirunelveli District.



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B.PUGALENDHI,J

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Common Order made in
Crl.OP(MD)No.13607 & 13697 of 2025

29.08.2025