



Crl.O.P.(MD)No.13725 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13725 of 2025

M.Rajkumar @ Rajkumar Malaisamy

... Petitioner/2nd Accused

Vs.

1.The State of Tamil Nadu,
The Deputy Superintendent of Police,
Andipatti, Theni District.

2.The Sub Inspector of Police,
Kadamalaikundu Police Station,
Theni District
(Cr.No.167 of 2025).

...Respondent Nos.1 and 2/
Complainants

3.Sendrayan

... Respondent No.3/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District and Sessions Judge (PCR Cases), Dindigul to consider his bail application on the surrender of the petitioner /Accused on the same day in connection with Cr.No.167/2025 dated 30.07.2025 on the file of the second respondent Police on merits on the same day.



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Crl.O.P.(MD)No.13725 of 2025

For Petitioner : Mr. Murugaraj. R
For R1 & R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is 2nd accused in Crime No.167 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 126(2), 127(2), 296(b), 115(2), 118(1), 351(3), 49 of BNS , 2023 r/w. Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the learned District and Sessions Judge (PCR Cases), Dindigul, to consider his bail application on the same day of his surrender.

2.The learned counsel appearing for the petitioner submits that when the defacto complainant went to visit the site to construct a toilet in the accused house, there was a wordy quarrel between the defacto complainant and the accused persons. Thereafter, the accused persons attacked the defacto complainant and his brother with iron rod and abused them using filthy language. Hence, a case has been foisted under the provisions of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.



Crl.O.P.(MD)No.13725 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner submits that the 1st accused in this case has already filed a similar application in Crl.O.P. (MD)No.13567 of 2025 and the same has been considered by this Court, by order dated 18.08.2025.

4.The learned counsel for the petitioner also 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 petitioner will prove his innocence. 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 submits that this Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail application filed by the accused on the same day of his surrender.

5. The learned Government Advocate (Crl. Side) has also confirmed the submission made by the learned counsel for the petitioner that the co-accused has been released on bail.



Crl.O.P.(MD)No.13725 of 2025

WEB COPY

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused has been released on bail, this Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the learned District and Sessions Judge (PCR Cases), Dindigul, 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 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.

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19.08.2025



CrI.O.P.(MD)No.13725 of 2025

WEB COPY

To

- 1.The District and Sessions Judge (PCR Cases),
Dindigul.
- 2.The State of Tamil Nadu,
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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Crl.O.P.(MD)No.13725 of 2025

B.PUGALENDHI, J.

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Crl.OP(MD)No.13725 of 2025

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