



Crl.O.P.(MD)No.13769 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.13769 of 2025

M.Abishek Arumugam

... Petitioner/Accused Rank
Not Known

Vs.

1.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.

2.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Crime No.449/2025.

...Respondent Nos.1 and 2/
Complainants

3.Vignesh

... Respondent No.3/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct to the Prinicipal District and Sessions Judge (PCR), Thenkasi, to consider the petitioner's bail application and his surrender on the same day in Crime No.449 of 2025 on the file of the 2nd respondent.



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

ORDER

The petitioner is an accused (rank not known) in Crime No. 449 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 191(2), 296(b), 118(1), 351(3) 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 Principal District and Sessions Judge (PCR), Thenkasi, to consider his bail application on the same day of his surrender.

2.The case of the prosecution is that the petitioner and the named accused Kumar are friends. On 30.07.2025, the said Kumar dashed the defacto complainant and threatened him by using his caste name and he brutally attacked the defacto complainant along with five other students. Hence, a case has been foisted under the provisions of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.



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3.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.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is not arrayed as an accused in Crime No.449 of 2025 on the file of the second respondent.

5. Recording the submission made by the learned Government Advocate (Crl.Side), this Criminal Original Petition is closed.

Indu

19.08.2025



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To

- 1.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.
- 2.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

Indu

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