

Crl.O.P.(MD)No.13877 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13877 of 2025

Maheswaran

... Petitioner

Vs

1.The State of Tamilnadu Rep.By,
The Deputy Superintendent of Police,
Sivakasi, Virudunagar District.

2.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District
(In Cr.No.301 of 2025).

3.Ganesan

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District Special Sessions Court for SC/ST Act cases, Srivilliputhur to consider the bail application to be filed by the petitioner on the same day of his surrender in Cr.No.301of 2025, dated 14.07.2025.

For Petitioner
For R1 & R2

: Mr. N. Balasubramanian,
: Mr.P.Kottaichamy
Government Advocate (Crl.side)



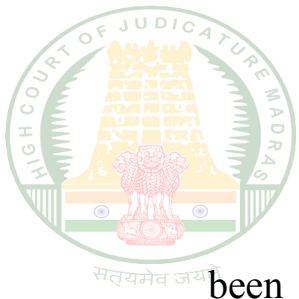
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ORDER

The petitioner is accused in Crime No.301 of 2025, on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 126(2), 296(b), 115(2), 351(3) of BNS r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. Therefore, the petitioner has filed this petition seeking a direction to the Special Court concerned to dispose of his bail application on the date of his surrender.

2.The learned counsel for the petitioner submits that this petitioner is a physically challenged person and also serving as a doctor. He had some transactions with the defacto complainant, who is an Advocate. The defacto complainant has demanded exorbitant interest for the amount, which he lent to the petitioner and also assaulted this petitioner on 13.06.2025 in the court premises. On the complaint of this petitioner, a criminal case in Crime No.268 of 2025 has been registered as against the defacto complainant before the respondent police on 16.06.2025. As a counter complaint, this case has



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been foisted as against this petitioner by 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 therefore, by relying upon the similar orders, the petitioner prayed for similar directions.

3.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), who takes notice for the respondents 1 & 2 submits that the petitioner has borrowed a sum of Rs.20 Lakhs from the defacto complainant. He also confirmed that defacto complainant is a practicing Advocate and a criminal case has been registered as against the defacto complaint on the complaint of the petitioner.

4.This Court considered the rival submissions made and also perused the materials placed on record.



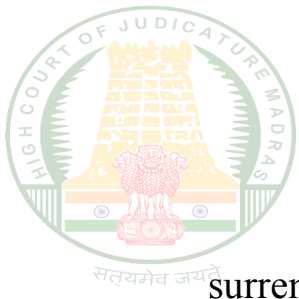
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5.It appears that the defacto complainant, who is an Advocate is also indulging in money lending business. The petitioner is a physically challenged person. The petitioner also lodged a complaint as against the defacto complainant, which has been registered as against him in Crime No.268 of 2025, for the offence under Sections 294(b), 323, 506(ii) IPC.

6.Considering the facts and circumstances of the case, this Court is inclined to grant relief to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed. The petitioner is directed to surrender before the learned Judge, District Special Sessions Court for SC/ST Act cases, Srivilliputhur 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



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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.

21.08.2025

NCC : Yes/No

Index : Yes/No

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To

- 1.The District Special Sessions Court for SC/ST Act cases,
Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Sivakasi, Virudunagar District.
- 3.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District



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B.PUGALENDHI,J

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Order made in
Crl.OP(MD)No.13877 of 2025

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