



Crl.O.P.(MD)No.14198 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.14198 of 2025

1. Tamizhan
2. Mohammed Yasick ... Petitioners

Vs

1.The State of Tamilnadu Rep.By its
The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District (In Crime No. 317 of 2025).

3.V.Rajavel ...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to pass an order permitting the petitioners to surrender and accept the Bail Application filed by the petitioners before the Special Court for SC and ST(POA) Act, Theni in connection with Cr.No.317 of 2025, on the file of the second respondent police and in the event of filing the same, the said application may be directed to be considered on the same day on merits and in accordance with law forthwith.



Crl.O.P.(MD)No.14198 of 2025

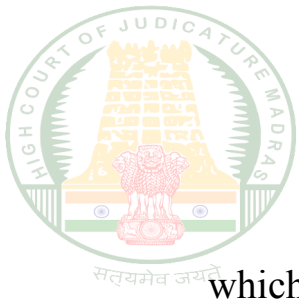
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For Petitioners : Mr.A.Uthaya Kumar,
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl.side)

ORDER

The petitioners are accused in Crime No.317 of 2025, on the file of the second respondent Police. The said case was registered for the alleged offence punishable under Sections 191(2), 191(3), 296(b) and 351(3) of BNS, 2023 and Sections 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.

2.The case of the prosecution is that the defacto complainant is an elected councilor of Genguvarpatti Town Panchayat and he has received an information that a Thaar road was being laid in 12th Ward of Genguvarpatti Town Panchayat and therefore, he along with the Chairman went to the spot and questioned the JCB driver, for



Crl.O.P.(MD)No.14198 of 2025

WEB COPY

which, the petitioners along with A1 came to the spot and abused the defacto complainant in filthy language and also by degrading his caste name. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the first petitioner is the husband of the Deputy Chairman of Genguvarpatti Town Panchayat and the second petitioner is the former councilor of the said Panchayat. He further submits that they have laid the Thaar road under the NABARD scheme, which was approved by the Chairman and the other Councilors. However, the defacto complainant has prevented to lay the road, demanding commission for the said work. Therefore, a complaint has been lodged as against the defacto complainant and the same was registered in Crime No.316 of 2025. As a counter complaint, the present case has been registered as against these petitioners. 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. However, the petitioners seek a direction for disposal of the bail application on the same day. He further submitted that this Court in similar circumstances



Crl.O.P.(MD)No.14198 of 2025

WEB COPY

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.

4.Mr.P.Kottaichamy, learned Government Advocate (Crl.side), who takes notice for the respondents 1 & 2 submits that the defacto complainant is a Councilor of Genguvarpatti Panchayat and he lodged a complaint that these petitioner have laid a road without any resolution in the Panchayat. Since he has questioned these petitioners, they have abused him by referring to his community.

5.Considering the facts and circumstances of the case, 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 learned Judge, Special Court for SC and ST(POA) Act, Theni, within a period of two weeks from the date of receipt of a copy of this order and the learned



Crl.O.P.(MD)No.14198 of 2025

WEB COPY

Judge of the Special Court is directed to entertain the bail application, 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 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 SC and ST(POA) Act, Theni
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
- 3.The Inspector of Police,
Devadanapatti Police Station,
Theni District



WEB COPY



Crl.O.P.(MD)No.14198 of 2025

B.PUGALENDHI,J

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Crl.OP(MD)No.14198 of 2025

29.08.2025