



Crl.O.P.(MD)No.14297 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.14297 of 2025

Stephen

... Petitioner

Vs

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

2.The State of Tamilnad Rep.By,
Inspector of Police,
Devadanapatty Police Station,
Theni District (Cr.No.317 of 2025).

3.Rajavel

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to the Special Court for the Exclusive Trial of SC and ST Cases, Theni to consider the bail application to be filed by the petitioners on the same day in Cr.No.317 of 2025 on the file of Inspector of Police, Devadanapatty Police Station, Theni.

For Petitioner
For R1 & R2

: Mr.M.Marimuthu
: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



Crl.O.P.(MD)No.14297 of 2025

ORDER

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The petitioner is A1 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), 351(3) of BNS r/w 3(1) (r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. 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 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 which, the petitioner along with other accused came to the spot and abused the defacto complainant in filthy language by degrading his caste name and also attacked him. Hence, the case.

3.The learned counsel for the petitioner submits that the



Crl.O.P.(MD)No.14297 of 2025

petitioner has not involved in any offence as alleged by the prosecution.

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The defacto complainant is a councilor of DMK and the petitioner belongs to the same party. 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.

4.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who takes notice for the respondents 1 & 2 submits that no one is injured in this case.

5.Considering the facts and circumstances of the case and the fact that no one is injured in this case, this Court is inclined to grant relief to the petitioner.



Crl.O.P.(MD)No.14297 of 2025

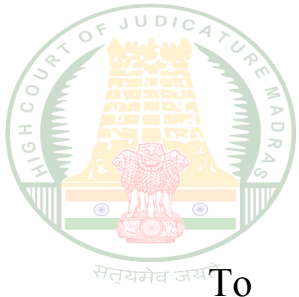
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6. Accordingly, this Criminal Original Petition is allowed.

The petitioner is directed to surrender before the learned Judge, Special Court for the Exclusive Trial of SC and ST Cases, Theni, 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 complainant along with the proposed date of his 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
vrn



Crl.O.P.(MD)No.14297 of 2025

To
WEB COPY

- 1.The Special Court for the Exclusive Trail of SC and ST Cases,Theni
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division, Theni,
Theni District.
- 3.The Inspector of Police,
Devadanapatty Police Station,
Theni District



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Crl.O.P.(MD)No.14297 of 2025

B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.14297 of 2025

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