



Crl.O.P.(MD)No.17791 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17791 of 2025

1.Eswaran

2.Apoornam

... Petitioners/Accused 1 & 2

Vs.

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

2.State of Tamil Nadu rep. by,
The Inspector of Police,
Palanichettipatti Police Station,
Palanichettipatti,
Theni District.
(Crime No.491 of 2025)

... Respondents 1 & 2/Complainants

3.Maduraiveeran

... 3rd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the learned Special Court for SC/ST (POA) Act Cases, Theni, to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Crime No.491 of 2025, dated 09.10.2025.



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For Petitioners : Mr.Belco S.Meltiue
For R-1 & R-2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petitioners seek a direction to the learned Special Judge for SC/ST (POA) Act Cases, Theni, to accept their surrender and consider their bail application on the same day on merits relating to Crime No.491 of 2025, dated 09.10.2025.

2. Since this Court is directing the Court below to consider the bail application after giving notice to the victim, notice to the victim in this case is dispensed with.

3. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration of the facts of the case, there shall be a direction to the learned Special Judge for SC/ST (POA) Act Cases, Theni to consider the petitioners' bail application on the same day of their surrender in connection with Crime No.491 of 2025 registered for the offences under Section 296(b), 351(2) of BNS, 2023, Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and pass appropriate orders in accordance with law. It is



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needless to say that the Court below while disposing the bail petition shall consider the gravity of the offence, previous antecedent of the petitioners and pass orders, after affording due opportunity of hearing to the victim under Section 15-A of the SC/ST (POA) Act, 1989.

4. The petitioners shall surrender before the concerned jurisdictional Court, within a period of fifteen (15) days from the date of receipt of a copy of this order. The petitioners shall inform in advance the learned Public Prosecutor and the victim of the date of surrender and of the filing of the petition.

5. This Criminal Original Petition is ordered accordingly.

17.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Special Court for SC/ST (POA) Act Cases,
Theni.

2.The Deputy Superintendent of Police,
Theni,
Theni District.

3/5



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3. The Inspector of Police,
Palanichettipatti Police Station,
Palanichettipatti,
Theni District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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17.10.2025