



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).No.18908 of 2025

1.Joshva @ Joshva Nharathiraja

2.Durai @ Durairaj

... Petitioners/Accused No.5 and 7

Vs.

1.The State of TamilNadu, Rep. by its
The Deputy Superintendent of Police,
Papanasam Division,
Thanjavur District.

2.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.380/2025)

... 1st and 2nd Respondents/Complainants

3.Manjula

... 3rd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, To direct the 1st Additional District and Session Court (PCR Act Cases), Thanjavur District to accept the surrender of the petitioner and consider their bail application on the same day on merit in connection with Crime No.380 of 2025 dated 21.10.2025 on the file of the 2nd respondent herein.

For Petitioners : Mr.S.Sathyachidambaram

For R-1 & R-2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

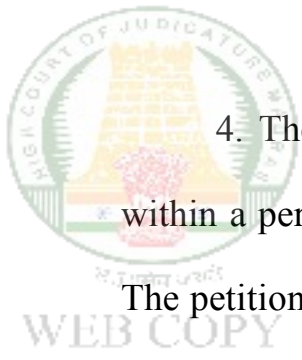


ORDER

The petitioners seek a direction to the 1st Additional District and Session Court (PCR Act Cases), Thanjavur District, to pass order on their bail petition on the same day of surrender in Crime No.380 of 2025 on the file of the second respondent Police.

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 1st Additional District and Session Court (PCR Act Cases), Thanjavur District, to consider the petitioners' bail application on the same day of their surrender in connection with Crime No.380 of 2025 registered for the offences under Sections 191(2), 191(3), 329(4), 296(b), 131, 324(4), 351(3) of BNS, 2023, Section 3(1)(r) and 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 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.

05.11.2025

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

Indu

To

1.The 1st Additional District and Session Court
(PCR Act Cases), Thanjavur District.

2.The State of Tamil Nadu, Rep. by its
The Deputy Superintendent of Police,
Papanasam Division,
Thanjavur District.

3.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

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



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SUNDER MOHAN, J.

Indu

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