



Crl.O.P.(MD)No.23922 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.12.2025

CORAM :

THE HON`BLE MR.JUSTICE M.JOTHIRAMAN

Crl.OP(MD)No.23922 of 2025

Sivachandran

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.

2.The Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi District.
(Crime No.803 of 2025)

3. Vasanth

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned District and Sessions Judge, Special Court for Exclusive trial of cases under SC/ST Act, (PCR Court), Thoothukudi, to accept the surrender of the petitioner and consider the bail application on the same day on merit relating to Crime No.803 of 2025, dated 30.11.2025.



Crl.O.P.(MD)No.23922 of 2025

For Petitioner : Mr.G.Radhakrishnan

For R1 & R2 : Mr.S.Prakash
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Crime No.803 of 2025 on the file of the second respondent Police. The said case was registered for the offences under Sections 296(b), 115(2) and 351(3) of BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 2015. Therefore, the petitioner has filed this petition seeking a direction to the learned District and Sessions Judge, Special Court for Exclusive trial of cases under SC/ST Act, (PCR Court), Thoothukudi, to consider his bail application on the same day of his surrender.



Crl.O.P.(MD)No.23922 of 2025

WEB COPY

2.The learned counsel for the petitioner also submits that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. He further submits that this case is a foisted one and the petitioner will prove his innocence. 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 submits that this Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail application filed by the accused on the same day of his surrender.

3.The learned Government Advocate (Crl. Side) appearing for the official respondents submits that the injuries suffered by the defacto complainant are simple in nature and he has been



Crl.O.P.(MD)No.23922 of 2025

discharged from the hospital.

WEB COPY

4. This Court has considered the submissions made on either side and perused the available materials placed before this Court.

5. Considering the submissions made on either side, the petitioner is directed to surrender before the learned District and Sessions Judge, Special Court for Exclusive trial of cases under SC/ST Act, (PCR Court), Thoothukudi 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 their surrender, enabling the complainant to submit their arguments, if any. The Public Prosecutor concerned is expected to be available in the Court and the Public Prosecutor



CrI.O.P.(MD)No.23922 of 2025

can very well get instructions with the available scientific modes.

WEB COPY

It is made clear that the direction issued by this Court does not mean that to consider the bail application positively. The bail application in any event shall be disposed on merits on the same day.

6. Accordingly, this Criminal Original Petition is disposed of.

26.12.2025

Index : Yes/No

Internet:Yes

PJL

To

1.The District and Sessions Judge
Special Court for Exclusive trial of cases under SC/ST Act,
(PCR Court), Thoothukudi

2.The Deputy Superintendent of Police,
Thoothukudi Town, Thoothukudi District.

3.The Inspector of Police,
Thazhamuthunagar Police Station, Thoothukudi District.

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



WEB COPY



CrI.O.P.(MD)No.23922 of 2025

M.JOTHIRAMAN, J.

PJL

CrI.OP(MD)No.23922 of 2025

26.12.2025