



CrI.O.P.No.5526 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.5526 of 2026

Dheepak

... Petitioner

Vs.

1.The State rep., by its
The Deputy Commissioner of Police,
Salem City, Salem.

2.The State rep., by its
The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
(Crime No. 29 of 2026)

3.Shanmugam

... Respondents

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to direct the Special Court for Trial of Cases under SC/ST (POA) Act Court, Salem to accept the surrender of the petitioner herein concern in Crime No.29 of 2026 and consider the bail petition on the same day itself.

For Petitioner : Mr. T. Ganesan

For Respondents: Mr. Leonard Arul Joseph Selvam, for R1 & R2
Additional Public Prosecutor



ORDER

The Criminal Original Petition has been filed seeking a direction to the Special Court for Trial of Cases under SC/ST (POA) Act Court, Salem to consider the bail application filed by the petitioner on his surrender in connection with Crime No.29 of 2026 on the file of the 2nd respondent police on the same day.

2. The petitioner / A4 in Crime No.29 of 2026 for the offences under Sections 296(b), 127(2), 115(2), 118(1), 351(3) of BNS and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989 has filed this petition seeking a direction to the Special Court for Trial of Cases under SC/ST (POA) Act Court, Salem, to consider the bail application on the day of his surrender.

3. The contention of the petitioner is that he has been falsely implicated since he happens to be a friend of the other accused. There was a dispute during the temple festival on 03.02.2026. The defacto complainant had caused obstruction when the petitioner's friends were dancing, which resulted in a wordy quarrel, and he was pushed away. Keeping this in mind,



a false case has been registered as though on 05.02.2026, when the defacto complainant had gone to his relative's house, the petitioner along with three others caught hold of him and assaulted him. The overt act attributed to the petitioner is that he used his hands and hit the defacto complainant on the back of his shoulder. On going through the entire statement, it is stated that the petitioner had not used any abusive or prohibitory words by calling him by his caste name.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the defacto complainant is working as a gas load man and is living with his wife and children. The accused in this case is also residing in the same area. During the annual Mariamman temple festival, on 03.02.2026, when the petitioner was dancing and the defacto complainant was present there, the petitioner dashed against the defacto complainant, which was questioned. Later, keeping this in mind, on 05.02.2026, when the defacto complainant was alone, he was abused and assaulted. In this case, two persons caught hold of the defacto complainant and the petitioner along with another person assaulted him using their hands. The injured defacto complainant was admitted to the hospital. Hence, a



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complaint was lodged. An FIR has been registered and the investigation is in progress.

5. Considering the submissions and on perusal of the materials available on record, it is seen that during the Mariamman temple festival on 03.02.2026, while dancing, there was some push and pull. Subsequently, on 05.02.2026, the defacto complainant was caught hold of and assaulted. As regards this petitioner, there is no specific overt act attributed to him.

6. In view of the above, there shall be direction to the Special Court for Trial of Cases under SC/ST (POA) Act Court, Salem to consider the bail application of the petitioner preferably on the same day of his surrender in connection with Crime No.29 of 2026.

7. Accordingly, this Criminal Original Petition stands allowed.

04.03.2026

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

AT

To

- 1.The Special Court for Trial of Cases under SC/ST (POA) Act Court,
Salem
- 2.The Deputy Commissioner of Police,
Salem City, Salem.
- 3.The Inspector of Police,
Kitchipalayam Police Station,
Salem City.
- 4.The Public Prosecutor,
High Court of Madras.

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