



CrI.O.P.(MD)No.7643 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.04.2026

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.7643 of 2026

1. C.Balasubramanian
2. Sasikala

... Petitioners

versus

1. State of Tamil Nadu, rep. by
The Superintendent of Police,
DCB Unit-II,
Trichy District.
2. The State of Tamil Nadu, rep. by
The Inspector of Police,
DCB Unit – II,
Trichy District.
3. Chinnammal

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the Special Court for SC/ST (Prevention of Atrocities) Act/1st Additional District and Sessions Judge at Trichy, to consider the bail application on the surrender of the petitioners/2nd and 3rd accused on the same day in Cr.No.16 of 2026 on the file of the 2nd respondent on merits on the same day.

For Petitioners : Mr.G.Mathavan



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For R1 and R2 : Mr.A.Albert James,
Government Advocate (Crl. side)

ORDER

The petitioners are the accused Nos.2 and 3 in Crime No.16 of 2026 on the file of the 2nd respondent Police. The said case was registered against them for the offences under Sections 420, 465, 468 and 471 IPC and Section 3(1)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the petitioners have filed this petition, seeking a direction to the Special Court for SC/ST (Prevention of Atrocities) Act cases, Trichy, to consider their bail application on the same day of surrender.

2. The case of the prosecution is that the defacto complainant executed a power of attorney in favour of the 1st accused in the year 2021. The 1st accused was informed by the defacto complainant that the lands were allotted under the Land Reform Scheme to her husband and it cannot be alienated in favour of any person, who does not belong to scheduled case. However, the 1st accused sold the lands to the petitioners herein vide Document Nos.3913/2021 and 3914/2021. Hence, this case.



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3. The learned counsel appearing for the petitioners submitted that the petitioners are aged about 81 and 70 years old. In fact, the defacto complainant had entered into an agreement of sale with the 1st accused's father and the sale price was fixed as Rs.2,89,250/-. Upon receiving the sale consideration, the defacto complainant executed a power of attorney to the 1st accused's father. Since he died on 23.08.2020, the defacto complainant had executed a power of attorney in favour of the 1st accused. Subsequently, the petitioners have purchased the lands from the 1st accused. He further submitted that the petitioners said to have purchased the lands in the year 2021 itself, but, the complaint has been lodged only in the year 2025. He further submitted that Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioners seek 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 by the accused on the same day of their surrender and therefore, by relying upon the similar orders, the petitioners prayed for similar directions.



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4. Heard the learned Government Advocate (Crl. Side).

5. Considering the nature of offence and also considering the age of the petitioners, this Criminal Original Petition is disposed of with a direction to the petitioners to surrender before the Special Court for SC/ST (Prevention of Atrocities) Act, Trichy, within a period of two weeks from the date of receipt of a copy of this order and the learned Judge is directed to entertain the bail application if any filed by the petitioners on the same day. In the meantime, the petitioners 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 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.

20.04.2026

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



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To

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Trichy.
2. The Superintendent of Police,
DCB Unit-II,
Trichy District.
3. The State of Tamil Nadu, rep. by
The Inspector of Police,
DCB Unit – II,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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