



CRL OP(MD), No.9865 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.05.2026

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THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL OP(MD)No.9865 of 2026

1. Muthupandi
2. Manoj

... Petitioners

Vs

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

2. The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.

3. Kavikumar

... Respondents

PRAYER :- Petition filed under Section 528 of BNSS to direct the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Tenkasi District, to dispose the bail application to be filed by the Petitioners on merits on the same day of their surrender before the above mentioned court in pending investigation in Crime No.128 of 2026 on the file of the respondent Police.



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For Petitioner : Mr.A.S.Vaigunth

For R1 and R2 : Mr.T.Lenin Kumar,
Counsel for State of Tamil Nadu (Crl. side)

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS, seeking orders to direct the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Tenkasi District, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.128 of 2026 on the file of the second respondent police.

2. The petitioners are accused Nos 6 and 7 for the offences punishable under Sections 191(2), 296(b), 115(2), 118(1) and 351(3) of BNS and Sections 3(l)(r), 3(2)(va) of the Scheduled Caste and the Scheduled Tribes Act (Prevention of Atrocities) Act, 1989, in Crime No. 128 of 2026, pending on the file of the second respondent police and apprehending arrest, they have filed the present petition.



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3. Heard the learned counsel appearing for the petitioners, the learned counsel for State of Tamil Nadu (Crl. Side) appearing for the respondents 1 and 2 and perused the materials available on record.

4. The learned counsel for State of Tamil Nadu (Crl. Side) appearing for the respondents 1 and 2 would submit that the accused Nos.1 to 5 have been released on bail by the Sessions Court, Tenkasi, in Cr.M.P.Nos.1474 and 1475 of 2026.

5. 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 the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned Special Judge for Trial of Cases under SC/ST (POA) Act, Tenkasi District, to consider the petitioners' bail application, preferably on the same day of their surrender in connection with Crime No.128 of 2026 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The



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petitioners shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

6. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioners and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favorably.

7. With the above direction, this Criminal Original Petition stands allowed.

27.05.2026

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.



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To

1. The Special Judge for Trial of Cases
under SC/ST (POA) Act,
Tenkasi District.
2. The Deputy Superintendent of Police,
Sankarankovil,
Tenkasi District.
3. The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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