



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD) .No.9113 of 2019

1.Rasu
2.Poopandi
3.Karuppanan : Petitioners
Vs.

1.The Deputy Superintendent of Police,
Sivagangai Town,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
[Crime No.93/2017]

3.Veeran : Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to direct the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST [POA] Act, Sivagangai to consider the bail application of the petitioners in connection with the FIR in Crime No.93 of 2017 on the file of the second respondent police on the very same date of their surrender and to dispose of the same on merits and in accordance with law and consequently release the petitioners on bail.

For Petitioners : Mr.M.S.Jeyakarthik

For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

The petitioners seek for a direction to the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST [POA] Act, Sivagangai, to consider their bail application to be filed in Crime No.93 of 2017 on the file of the second respondent police and to accept their surrender on the same day on merits.



Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.93 of 2017, 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 on either side and perused the materials available on record.

4. Considering the nature of offences alleged against the petitioners and also considering the fact that anticipatory bail cannot be granted in respect of offences punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, this Court feels it appropriate to direct the petitioners to surrender before the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST [POA] Act, Sivagangai, within a period of two weeks from the date of receipt of a copy of this order and file a bail application and on filing such bail application, the learned Judge is directed to consider the bail application of the petitioners on merits and pass appropriate orders on the same day of their surrender. The petitioners are directed to comply with the provisions under Section 15-A(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal & Sessions Judge (PCR)
Sivagangai District

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

3. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.



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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-72183[F] dated
28/06/2019)

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Order made in
CRL.O.P. (MD) .No.9113 of 2019
28.06.2019

KM/(10.07.2019) 3P 6C