



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.07.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

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Crl.O.P.(MD)No.7477 of 2021

Siva @ Sivakumar ... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
O/o of the Deputy Superintendent of Police,
Pudukottai Sub-Division,
Pudukottai District.

2.State through the Inspector of Police,
Gandharvakottai Police Station,
Pudukottai District.
(Crime No.253 of 2021) ... Respondents / Complainant

3.Baskar ... Respondents/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Criminal Procedure Code, to direct the learned Special Court for the Exclusive Trial of SC and ST POA Act Cases, Pudukottai, to consider the bail application of the petitioner on the same day in Crime No.253 of 2021 on the file of the Respondent No.2 Police Station.

For Petitioner : Mr.M.Maharaja
For R1 & R2 : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

The petitioner is the third accused in Crime No.253 of 2021 of Gandharvakottai Police Station, Pudukottai District, and the offences alleged against the accused are under Sections 294 (b), 324 & 506 (ii) of IPC and Sections 3(1)(r) and 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989.

2.The present petition filed by the petitioner is to direct the learned Special Court for the Exclusive Trial of SC and ST POA Act Cases, Pudukottai, to accept the surrender of the petitioner and also to consider the bail application on the same day.

3.The learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. The third respondent is the de-facto
<https://hcservices.ecourts.gov.in/hcservices/>



complainant.

4. The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital and no case is pending against the petitioner.

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5. Since the injured was discharged from the hospital and no case is pending against the petitioner and the prayer itself is to accept the surrender of the petitioner and consider the bail application, this Court is inclined to pass the following orders :-

- 1) The petitioner should appear before the learned Special Court for the Exclusive Trial of SC and ST POA Act Cases, Pudukottai, within a period of 15 days from the date of receipt of a copy of this order / uploading of the order.
- 2) On such surrender, concerned Sessions Judge, may consider the bail application filed by the petitioner on merits on the same day of surrender, after giving notice to the concerned Public Prosecutor and by complying Section 15(5) of the Act.

6. With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Court for the Exclusive Trial of
SC and ST POA Act Cases,
Pudukottai.
2. The Deputy Superintendent of Police,
O/o of the Deputy Superintendent of Police,
Pudukottai Sub-Division,
Pudukottai District.



3.State through the Inspector of Police,
Gandharvakottai Police Station,
Pudukottai District.

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

Crl.O.P. (MD)No.7477 of 2021
20.07.2021

ES (CO)
KB(28.07.2021) 3P 5C