



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/07/2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
Crl.O.P. (MD)No.9873 of 2021

WEB COPY

1.Muthuraja
2.Murugan

... Petitioners/Accused
1 & 2

Vs.

1.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

..1st Respondent/
Investigating Officer

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.383 of 2021)

..2nd Respondent /
Complainant
... 3rd Respondent/
Defacto Complainant

3.Kaleeswaran

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Sessions Judge, Special Court of exclusive trial of cases under SC/ST (POA) act 1989, Sivagangai to consider and dispose of the bail application filed by the petitioner in Crime No.383 of 2021, on the file of the second respondent herein on the same day of their surrender.

For Petitioners : Mr.R.Ilayaraja

For R-1 and R-2 : Mr.R.M.Anbunidhi

Additional Public Prosecutor

O R D E R

This petition has been filed to direct learned Sessions Judge, Special Court of exclusive trial of cases under SC/ST (POA) act 1989, Sivagangai to consider and dispose of the bail application filed by the petitioners in Crime No.383 of 2021, on the file of the second respondent herein on the same day of their surrender.

2. The petitioners are the accused Nos.1 & 2 in Crime No.383 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 323, 506(i) I.P.C, and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act 2015.

3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor

<https://hcservices.ecourts.gov.in/hcservices/>



accepts notice for the respondents 1 and 2. He submits that the second petitioner is involved in one previous case in Crime No.573 of 2014, on the file of the second respondent Police Station. Hence, he strongly objected to entertain this petition.

WEB COPY 4. Considering the facts and circumstances of the case and also taking into consideration the submission of the learned Additional Public Prosecutor, this Court is inclined **to allow the petition for the first petitioner alone**, as per the following conditions:-

1)The first petitioner shall appear before the learned Sessions Judge, Special Court of exclusive trial of cases under SC and ST Cases, Sivagangai, within a period of 15 days from the date of receipt of a copy of this order.

2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the first petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15 (5) of the Act.

5. Accordingly, this Criminal Original Petition is partly allowed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Sessions Court, Special Judge of exclusive trial of cases under SC and ST Cases, Sivagangai,

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2.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

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

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-23753[F] dated 23/07/2021)

Crl.O.P. (MD)No.9873 of 2021

23.07.2021

MGJ(30.07.2021) 3P 6C