



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.11956 of 2021

WEB COPY

1.Hema

2.Chandru

... Petitioners/Accused 2 & 3

Vs.

1.The Deputy Superintendent of Police,
Musiri,
Tiruchiapalli District.

2.State by Inspector of Police,
Uppliyapuram Police Station,
Tiruchirapalli District.

(Crime No.391 of 2021)

... Respondent/Complainant

2.Thamilarasan

... Respondent/Defacto complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the petitioners to surrender before the learned I Additional District and Sessions Judge, Tiruchirapalli, Special Court for the offences under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) and direct the learned Judge to consider the bail application that would be filed by the petitioners at the time of surrendering before the learned judge on the same day itself, in connection with Crime No.391 of 2021 of Uppliyapuram Police Station.

For Petitioners : Mr.S.K.Mani

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 the learned I Additional District and Sessions Judge, Tiruchirapalli, Special Court for the offences under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act) to dispose of the bail applications filed by the petitioners on merits on the same day of their surrender before the above mentioned Court in pending investigation of Crime No.391 of 2021 of Uppliyapuram Police Station.

2. The petitioners are the accused Nos.2 & 3 in Crime No.391 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 323, 506(i) I.P.C and 3 (1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act 1989.



3. Mr.R.M.Anbunithi, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He submits that injured was discharged from the Hospital and no previous case is pending against the petitioners.

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**, as per the following conditions:-

1)The petitioners shall appear before the learned I Additional District and Sessions Judge, Special Court for the offences under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), Tiruchirapalli, 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 applications filed by the petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15(5) of the Act.

5. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// 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 I Additional District and Sessions Judge,
Special Court for the offences under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act),
Tiruchirapalli,

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



2.The Deputy Superintendent of Police,
Musiri,
Tiruchirapalli District.

3.State by Inspector of Police,
Uppliyapuram Police Station,
Tiruchirapalli District.
(Crime No.391 of 2021)

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

CrI.O.P. (MD) No.11956 of 2021
23.08.2021

GC (31.08.2021) /3P/5C