



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.12364 of 2021

WEB COPY

1.Vijay

2.Kongurajaprabhu

3.Chandru

4.Kannathasan

... Petitioners/Accused A1 to A4

vs.

1.The Deputy Superintendant of Police,
Sivagangai.

2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.403/2021)

... Respondents/Complainants

3.Silambarasan

... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for SC/ST (POA) Act Cases, Sivagangai to consider the petitioners bail application on the day of surrender in Crime No.403 of 2021 on the file of the second respondent herein for alleged offence for the alleged offences under Sections 147, 341, 294(b), 324, 427, 506(ii) of IPC and Sections. 3(1)(r), 3(1) (s) of the Scheduled Cases and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

For Petitioners : Mr.S.Ramasamy

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 Special Court for SC/ST (POA) Act Cases, Sivagangai to consider the petitioners bail application on the day of surrender in Crime No.403 of 2021 on the file of the second respondent herein for alleged offence under Sections 147, 341, 294(b), 324, 427, 506(ii) of IPC and Sections r/w. 3(1)(r), 3(1) (s) of the Scheduled Cases and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The petitioners are the accused in Crime No.403 of 2021, on the file of the second respondent for the offences punishable under Sections 147, 341, 294(b), 324, 427, 506(ii) of IPC, r/w Sections 3(1)(r), and 3(1)(s) of the Scheduled Case and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.



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

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 Special Court for SC/ST (POA) Act 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 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 (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 learned Special Court for SC/ST (POA) Act Cases,
Sivagangai.

2.The Deputy Superintendent of Police,
Sivagangai.



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

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

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GC (03.09.2021) 3P 5C