



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**

Crl.O.P.(MD)No.13545 of 2021

1. Prabhakaran
2. Karikalacholan @ Karikalan
3. Surya ...Petitioners/Accused Nos. 1,3 & 5

Vs

1. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District. ...1st Respondent/Complainant
2. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
[Crime No. 166/2021] ...2nd Respondent/Complainant
3. Rajkumar ...3rd Respondent /Defacto -
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act,1989, Ramanathapuram to consider the bail application of the petitioners in connection with the FIR in Crime No. 166 of 2021 on the file of the 2nd respondent police on the very same date of the surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same itself by disposing the petitioners bail application.

For Petitioners : Mr.M.S.Jeyakarthik

For R1 and R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This petition has been filed to direct the Learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act,1989, Ramanathapuram to consider the bail application of the petitioners in connection with the FIR in Crime No. 166 of 2021 on the file of the 2nd respondent police on the very same date of the surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same itself by disposing the petitioners bail application.



2. The petitioners are the accused in Crime No.166 of 2021, on the file of the second respondent for the offences punishable under Sections 147, 148, 294(b), 324, 506(i) of IPC, 3(1)(r) and 3(1)(s) of Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Act 1989.

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 has been 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 Learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act,1989, Ramanathapuram, 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 (P&A)

// 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 Exclusive Trial of Cases under SC/ST(POA) Act,1989, Ramanathapuram



2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

3.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-29083[F] dated
15/09/2021)

Crl.O.P. (MD)No.13545 of 2021

15.09.2021

MGJ(27.09.2021) 3P 6C