



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.09.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P(MD)No.13946 of 2021

Viswanathan

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Kumbhakonam,
Thanjavur District.

2.The Inspector of Police,
Pateeswaram Police Station,
Thanjavur District.

3.Ranjith

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thanjavur to pass order on the bail application filed by the petitioner, on the same day of surrender in Crime No.543 of 2021 dated 12.09.2021 on the file of the Inspector of Police, Pateeswaram Police Station, Thanjavur.

For Petitioner

: Ms.S.Mahalakshmi

For Respondents

: Mr.K.Sanjai Gandhi

Government Advocate
for R1 and R2

ORDER

This petition has been filed to direct the the Learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thanjavur, to consider the bail application of the Petitioner on the same day of his surrender itself in Crime No. 543 of 2021 on the file of 2nd Respondent police.

2. The petitioner is the accused in Crime No.543 of 2021, on the file of the second respondent for the offences punishable under Sections 294(b), 324 of IPC, r/w sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Mr.K.Sanjai Gandhi, learned Government Advocate(Crl.Side) who accepts notice for the respondents 1 and 2 would submit that no previous case is pending against the petitioner 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 petitioner shall appear before the learned sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thanjavur, 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 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 allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) 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 Judge,
Special Court for trial of cases under SC/ST (POA) Act,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Kumbhakonam,
Thanjavur District.
- 3.The Inspector of Police,
Pateeswaram Police Station,
Thanjavur District.



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

Crl.O.P(MD)No.13946 of 2021
20.09.2021

MGJ(30.09.2021) 3P 5C