



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P.(MD)No.17075 of 2021

WEB COPY

1.Aruna Devi

2.Murugesan

3.Eswaran

4.Siva

5.Pothu mani

...Petitioners/Accused Nos.1,3,4,5&6

Vs.

1.The Deputy Superintendent of Police,

BODI,

Theni District.

...1st respondent/Investigation officer

2.The State, Represented by its,

The Inspector of Police,

Bodinayakkanur rural Police Station,

Theni District.

(Crime no.570 of 2021) ... 2nd Respondents/Complainant

3.C.Baskaran

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Learned Special Judge, Special Court for trial of cases under SC/ST [POA] Act, Theni to consider the bail application of the petitioners in connection with the FIR in crime no.570 of 2021 on the file of the second respondent police, on the very same date of their surrender and consequently, to enlarge the petitioners on bail on the very same day itself, by disposing the petitioner's bail application on its merits.

For Petitioners : Mr.M.S.Jeyakarthick

For R-1 and R-2 : Mr.R.M.S.Sethuraman

Additional Public Prosecutor

ORDER

This petition has been filed to direct the learned Special Court for trial of cases under SC/ST [POA] Act, Theni , to accept the surrender of the petitioners and consider the bail applications on the date of surrender in connection with Crime No.570 of 2021 on the file of the second respondent Police.



2. The petitioners are arrayed as A1, A3, A4, A5 and A6 in Crime No.570 of 2021 on the file of the second respondent for the offences punishable under Sections 147, 294(b), 323, 506(i), 109 of I.P.C and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Mr.R.M.S.Sethuraman, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He would submit that the petitioners 1,3,4 and 5 have not involved in any previous case and none sustained injury in this case. The second petitioner/A3 has involved in one previous case.

4. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders:-

1)The petitioners 1,3,4 and 5 shall appear before the learned Special Judge, Special Court for trial of cases under SC/ST [POA] Act, Theni, 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. With the above observation, this Criminal Original Petition is disposed of with regard to the petitioners 1,3,4 and 5. In respect of the second petitioner, this petition is dismissed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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.



1. The Special Judge,
Special Court for trial of cases under SC/ST [POA] Act,
Theni
2. The Deputy Superintendent of Police,
BODI,
Theni District.
3. The State, Represented by its,
The Inspector of Police,
Bodinayakanur rural Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-33552[F] dated
02/11/2021)

Crl.O.P. (MD) No.17075 of 2021
02.11.2021

—
srk(CO)
TR/skn(18.11.2021) 3P 6C