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Crl.O.P.(MD)No.15868 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

CORAM:

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

Crl.O.P.(MD)No.15868 of 2022

N.Nattar

... Petitioner/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Tiruchendur, Thoothukudi District.

... 1st Respondent

2.The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi.
Crime No.103 of 2022

... 2nd Respondent/Complainant

3.Manikandan

... 3rd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Sessions Judge, Special Court of Trial of Cases under SC/ST (POA) Act, Thoothukudi to consider the petitioner's bail application and dispose the bail application on the same day in Crime No.103 of 2022 on the file of the second respondent.

For Petitioner : Mr.S.Suresh Manickam

For R-1 and R-2 : Mr.A.Albert James
Government Advocate (Crl. side)



ORDER

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This petition has been filed to direct the learned Sessions Judge, Special Court of Trial of Cases under SC/ST (POA) Act, Thoothukudi to consider the petitioner's bail application and dispose the bail application on the same day in Crime No.103 of 2022 on the file of the second respondent.

2. The petitioner is the third accused in Crime No.103 of 2022, on the file of the second respondent for the offences punishable under Sections 147, 148, 149, 447, 294(b), 323 and 324 of IPC r/w 3 of Tamil Nadu Public Property Damage and Loss Act and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. Mr.A.Albert James, learned Government Advocate (Crl. side) accepts notice for the respondents 1 and 2. He submits that the injured was discharged from the hospital and no previous case is pending against the petitioner.



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4. Considering the facts and circumstances of the case and also taking into consideration the submission of the learned Government Advocate (Crl. side) 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 of Trial of Cases under SC/ST (POA) Act, Thoothukudi, within a period of fifteen days from the date of receipt of a copy of this order.

2)On such surrender along with notice served to the de-facto complainant, the concerned Judge shall consider the bail applications filed by the petitioner and pass orders on merits on the same day of his surrender, after hearing the de-facto complainant by complying with Section 15A(5) of the Act.

5. Accordingly, this Criminal Original Petition is allowed.

09.09.2022

Index : Yes/No

Internet : Yes/No

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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.



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G.ILANGOVAN. J.

sjj/pnn

To

- 1.The Sessions Judge, Special Court of Trial of Cases
under SC/ST (POA) Act, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Tiruchendur, Thoothukudi District.
- 3.The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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