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Crl.O.P.(MD)No.15905 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

CORAM:

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

Crl.O.P.(MD)No.15905 of 2022

Kalaivanar

... Petitioner/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Samayanallur.

2.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

Crime No.178 of 2022

... Respondents 1 & 2/Complainant

3.Chandraprakash

... 3rd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for the Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai District to consider the bail application of the petitioner to be filed in Crime No.178 of 2022 on the file of the second respondent police to accept his surrender on the same day on merits.

For Petitioner : Mr.M.Vivekkumar

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



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ORDER

This petition has been filed to direct the learned Special Court for the Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai District to consider the bail application of the petitioner to be filed in Crime No.178 of 2022 on the file of the second respondent police to accept his surrender on the same day on merits.

2. The petitioner is the third accused in Crime No.178 of 2022, on the file of the second respondent for the offences punishable under Sections 147, 148, 294(b), 323, 324, 355, 387 and 506(ii) IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act 2015.

3. Mr.A.Albert James, learned Government Advocate (Crl. side) accepts notice for the respondents 1 and 2. He submits that after completion of investigation, the offence was altered into Sections 336, 294(b), 323, 324, 355 and 506(ii) IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act 2015. He further 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 Special Court for the Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Madurai District, 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 Special Court for the Exclusive Trial of Cases
under SC/ST (POA) Act, 1989, Madurai District.
- 2.The Deputy Superintendent of Police,
Samayanallur.
- 3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.15905 of 2022

09.09.2022