



Crl.O.P.(MD)No.15922 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

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CORAM:

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

Crl.O.P.(MD)No.15922 of 2022

Narayanan

... Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.

2.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
Crime No.168 of 2022

... Respondents/Complainants

3.Selvaraj

... 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 for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai to accept the surrender of the petitioner and consider the bail application to be filed by him on merits and on the day of surrender in Crime No.168 of 2022 on the file of the second respondent police.

For Petitioner : Mr.K.Manivannan

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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai to accept the surrender of the petitioner and consider the bail application to be filed by him on merits and on the day of surrender in Crime No.168 of 2022 on the file of the second respondent police.

2. The petitioner is the second accused in Crime No.168 of 2022, on the file of the second respondent for the offences punishable under Section 294(b) and 323 of IPC r/w 3(1)(r), 3(1)(s) 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 has sustained only simple injury 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 for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, 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.

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To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989, Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
- 3.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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