



Crl.O.P.(MD) No.18230 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.18230 of 2022

1.S.Venkadesh

2.Parathan

3.Kantha Ganesh

...Petitioners

vs

1.The Deputy Superintendent of Police
Srivaikundam Division,
Thoothukudi District.

2.The Inspector of Police
Srivaikundam Police Station
Thoothukudi District.
Crime No.253 of 2022

3.Kannan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for trial under Section SC/ST (POA) Amendment Act Cases, Thoothukudi to accept the surrender of the Petitioners and consider their bail application on the same day in Crime No. 253 of 2022 dated 28.09.2022 on the file of the second Respondent.

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For Petitioners : Mr.V.M.Jegadeesha Pandian
For R1 & R2 : Mr.R.Sivakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned Judge, Special Court for trial under SC/ST (POA) Amendment Act Cases, Thoothukudi, to consider the Petitioners' bail application on the same day of surrender in Crime No.253 of 2022 on the file of the second Respondent.

2.The learned Counsel for the Petitioners would submit that there is a civil dispute between the first Petitioner and the third Respondent. The second Petitioner is not at all connected with the alleged occurrence. The third Petitioner is a Law College student. Wantonly, the third Respondent/defacto complainant had given a complaint to the second Respondent. The Petitioners moved anticipatory bail during the vacation Court. At that time, the FIR was registered based on the complaint of the third Respondent.



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3. When the case came up for hearing on the earlier occasion, the prosecution did not inform that whether SC/ST (Prevention of Atrocities) Act was invoked. Thereafter, the Petitioners came to know that SC/ST (Prevention of Atrocities) Act has also been invoked. Therefore, the Petitioners have filed this Petition.

4. The learned Government Advocate (Crl.side) for the Respondents 1 and 2 would submit that the third Respondent was cultivating the agricultural land belonging to a person, from him one Mohamed Farooq Ali had purchased the property. The third Respondent renewed the lease with the said Mohamed Farooq Ali. The first Petitioner is alleged to have purchased the property from the said Mohamed Farooq Ali. After purchase, he had directed the third Respondent to vacate the property. In that dispute, the third Respondent is alleged to have filed a suit in O.S.No.192 of 2022 and the third Respondent had obtained an order not to evict him.

5. While so, the Petitioners are alleged to have trespassed into the property and damaged the banana crops for a sum of Rs.6,00,000/- (Rupees Six Lakhs only). Based on the registration of the case, the Executive



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Magistrate had issued summons to the Petitioners under Section 107 Cr.P.C.

However, the Petitioners had not appeared before the Executive Magistrate.

6.In the light of the above, the Petitioners are directed to appear before the Executive Magistrate in continuation of the enquiry conducted by the Executive Magistrate. The Petitioners are also directed to surrender before the learned Judge, Special Court for trial under SC/ST (POA) Amendment Act Cases, Thoothukudi, within a period of 15 days from the date of receipt of a copy of this order or from the date of uploading the copy of this order in the official web-site of this Court. On such surrender by the Petitioners, the learned Judge, Special Court for trial under SC/ST (POA) Amendment Act Cases, Thoothukudi, shall consider the bail application of the Petitioners and dispose of the same as per law.

7.This Criminal Original Petition is allowed, accordingly.

14.10.2022

Internet:Yes/No

Index:Yes/No

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To

WEB COPY

1. The Judge,
Special Court for trial under
SC/ST (POA) Amendment Act Cases,
Thoothukudi.
- 2.1. The Deputy Superintendent of Police
Srivaikundam Division,
Thoothukudi District.
3. The Inspector of Police
Srivaikundam Police Station
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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