



Crl.O.P(MD)No.2869 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P(MD)No.2869 of 2023

1.Arasu
2.Eswari

... Petitioners

Vs.

1.The State represented by its,
The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2.The State represented by its,
The Inspector of Police,
GUDALUR SOUTH Police Station,
Theni District.

3.Pichaiyandi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the learned Special Court for Exclusive 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.23 of 2023 on the file of the second respondent police on the very same day of the surrender of the petitioners and consequently, to enlarge the petitioners on bail on the very same day itself by disposing the petitioner's bail application.



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For Petitioner : Mr.Gowthaman
For R1 and R2 : Mr.SS.Madhavan
Government Advocate

ORDER

The petitioners are the Accused Nos.1 and 2 in Crime No.23 of 2023 on the file of the second respondent police, for the offences alleged against the accused are under Sections 294(b), 379, 406, 420, 468, 506(2) of IPC and sections 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The present petition filed by the petitioners seeking orders to direct the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.23 of 2023 on the file of the second respondent police.

3. Mr.SS.Madhavan, learned Government Advocate (Crl. Side) accepts notice for the respondents 1 and 2. The third respondent is the de-facto complainant.



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4.The learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 submitted that the the petitioners are having previous cases to their credits, but which are not under SC/ST Act.

5. Since the prayer itself is to accept the surrender of the petitioners and consider the bail application, this Court is inclined to pass the following orders :-

1) The petitioners should appear before the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni, within a period of 15 days,
and

2) On such surrender, concerned Sessions Judge, may consider the bail application filed by the petitioners on merits on the same day of surrender, after giving notice to the concerned Public Prosecutor and by complying Section 15A(5) of the Act. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioners and pass orders.



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With the above directions, this Criminal Original Petition is ordered.

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Index: Yes/No
Internet: Yes/No
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To:

The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

2.The State represented by its,
The Inspector of Police,
GUDALUR SOUTH Police Station,
Theni District.

G.ILANGO VAN. J.



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