



Crl.O.P.(MD)No.4739 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.4739 of 2023

Vengaisamy

...Petitioner

Vs.

1. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Tiruppachethi Police Station,
Sivagangai District.
(Crime No.7 of 2023)

3.M.Latchumi

4.Marimuthu

5.Sakthi

.... Respondents

PRAYER: This Criminal original Petition is filed under Section 482 Cr.P.C., to direct the Special Court for trial of SC/ST POA Act cases, 1989 Sivagangai to consider the bail application of the petitioner to be filed in Crime No.7 of 2023 on the file of the 2nd respondent police and to accept the surrender on the same day on merits.



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For Petitioner : Mr. R.Balamuruganantham

For Respondents 1 and 2 : Mr.R. Sureshkumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the Special Court for trial of SC/ST POA Act cases, 1989 Sivagangai to consider the bail application of the petitioner to be filed in Crime No.7 of 2023 on the file of the 2nd respondent police and to accept the surrender on the same day on merits.

2.The petitioner is the accused in Crime No.7 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections Sections 147, 148, 323, 324, 506(2) IPC and Section 3(1), (r), 3(1), (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Mr.R.Sureshkumar, learned Government Advocate (Crl. Side) accepts notice for the respondents 1 and 2. He would further submit that it is a case of case and counter and the counter case has been registered in Crime No.8 of 2023 on the file of the respondent police and



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the earlier petition filed by the petitioner before this Court in Crl.O.P(MD).No.2270 of 2023 was dismissed as withdrawn.

4.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-

- 1)The petitioner shall appear before the Special Court for trial of SC/ST POA Act cases, 1989 Sivagangai within a period of 15 days from the date of receipt of a copy of this order.
- 2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act. The trial Court shall taken into consider the previous antecedents of the petitioner while passing orders on merits.

5.With the above observation, this Criminal Original Petition is disposed of.

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Index : Yes / No
Internet : Yes / No
trp



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To

1. The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
2. The Inspector of Police,
Tiruppachethi Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

trp

Order made in
Crl.O.P.(MD)No.4739 of 2023

Dated :07.06.2023