



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.7399 of 2023

1.S.Asaf Ali Bathusa

2.Muthuramalingam

... Petitioners/Accused Rank not Known

Vs.

1. The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.

2. The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No. 45 of 2023)

.. Respondents/Complainant

3. Thangammal

... 3rd Respondent/Defacto Complainant

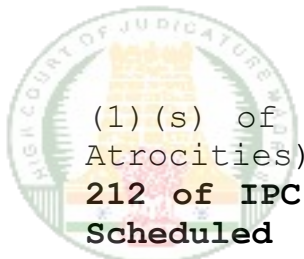
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi District, to consider and dispose of the bail application to be filed by the petitioner on the same day of its filing on her surrender in connection with the case in Crime No.45 of 2023.

For Petitioners : Mr.R.Anand
For Respondents : Mr.B.Nambiselvan for R1 & R2
Additional Public Prosecutor
Mr.V.Rajiv Rufus for R3

O R D E R

This petition has been filed to direct the learned District and Sessions Judge, Special Court for Exclusive Trial of case under SC/ST(POA) Act 1989 Thoothukudi, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No. 45 of 2023 on the file of the 2nd respondent Police.

2.The petitioners are the accused persons in Crime No.45 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b), 186 of IPC and Section 3(1)(r) & 3



(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (*)1989 altered to Sections 294(b), 186, 306, 109, 212 of IPC read with Sections 3(1)(r) and 3(1)(s), 3 (2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 .

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3.Mr.B.Nambiselvan, learned Additional Public Prosecutor, accepts notice for the respondents 1 and 2.

4.The learned counsel for the defacto complainant would submit that the conduct of the petitioners must be taken into account.

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

1)The petitioners shall appear before the learned District and Sessions Judge, Special Court for Exclusive Trial of case under SC/ST(POA) Act 1989 Thoothukudi, 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 petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.

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

Sd/-

Assistant Registrar (CS-II)

(*)Corrected as per the order of this court dated 17/05/2023 in Crl.O.P. (MD)No.7399 of 2023

Sd/-

Assistant Registrar (AS)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

TM

To

(*) To be Substituted to the order already despatched on 11/05/2023

1. The District and Sessions Judge,
Special Court for Exclusive Trial of case
under SC/ST(POA) Act 1989,
Thoothukudi.



2. The Deputy Superintendent of Police,
Tiruchendur,
Thoothukudi District.
3. The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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28.04.2023

_DL(09.05.2023)/ 3P/ 5C
RD(24/05/2023) 3P/ 5C