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Crl.O.P.(MD)No.7365 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.7365 of 2023

1.Adhitya

2.Aravind

... Petitioners/Accused 3 and 4

Vs.

1.State through the

Deputy Superintendent of Police,

Oomatchikulam Sub Division,

Madurai District.

... 1st Respondent/Investigation Officer

2.The State rep. by

The Inspector of Police,

Oomatchikulam Police Station,

Madurai District.

(Crime No.15 of 2023)

... 2nd Respondent/Complainant

3.Irulappan

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of

Cr.P.C, to direct the learned Special Court for Exclusive Trial of case

under SC/ST(POA) Act 1989 Madurai, pleased to accept the surrender of

the petitioners and consider the Petitioners bail application on the date of

surrender itself in Crime No.15 of 2023, on the file of the respondent No.

2 Police Station.



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For Petitioners : Mr.R.Venkatesan
For Respondents : Mr.B.Nambiselvan for R1 & R2
Government Advocate (Crl. Side)

ORDER

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 Madurai, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No. 15 of 2023 on the file of the 2nd respondent Police.

2.The petitioners are the accused persons in Crime No.15 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 147, 148, 341, 294(b), 352 of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

3.Mr.B.Nambiselvan, learned Additional Public Prosecutor, accepts notice for the respondents 1 and 2. He would further submitted A3 is having one previous case, which is not similar in nature.



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4.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 Madurai, 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.

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

20.04.2023

Index : Yes/No
Internet : Yes/No
TM

Note: Issue order copy on 21.04.2023.

To

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



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- 2.The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai District.
- 3.The Inspector of Police,
Oomatchikulam Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TM

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