



Crl.O.P.(MD)No.10139 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.10139 of 2023

1.Maheswari
2.Narasimman

...Petitioners

Vs.

1. The Deputy Superintendent of Police,
Kovilpatti,
Thoothukudi Distirct.

2.State rep. by the
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.15/2023)

3.Esakki Dass

.... Respondents

PRAYER: This Criminal original Petition is filed under Section 482 Cr.P.C., for issuing a direction to the Special Court for SC/ST Act cases, Thoothukudi to consider the petitioners bail application on the same day of surrender in crime No.15 of 2023 on the file of the 2nd respondent herein for alleged offence under Section 294(b), 427, 506(2) IPC and Section 3(1)



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(r), 3(1)(s), 3(1)(u) and 3(2)(va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015.

For Petitioners : Mr.S.Ramassamy
For Respondents : Mr.B. Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the Special Court for SC/ST Act cases, Thoothukudi, 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 Sections 294(b), 427, 506(2) IPC and Section 3(1)(r), 3(1)(s), 3(1)(u) and 3(2)(va) of SC and ST (Prevention of Atrocities) Amendment Act, 2015.

3.Mr.B.Nambiselvan, learned Additional Public Prosecutor accepts notice for the respondents 1 and 2. He would further submit that there is



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no previous case pending against the petitioners.

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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 Special Court for SC/ST Act cases, 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. The trial Court shall taken into consider the previous antecedents of the petitioners while passing orders on merits.

3) The Special Court may taken into account Section 427 IPC as alleged in the complaint at the time of hearing.

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,
Kovilpatti,
Thoothukudi District.
2. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
3. The Special Court for SC/ST Act cases, Thoothukudi
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

trp

Order made in
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