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CrI.O.P.(MD)No.10834 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.06.2023**

CORAM:

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

CrI.O.P.(MD)No.10834 of 2023

Abraham

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Tiruchendur Sub-Division,
Tiruchendur,
Thoothukudi District.

2.The Inspector of Police,
Authoor Police Station,
Authoor,
Thoothukudi District.
(Crime No.68 of 2023)

... Respondents 1 & 2 / Complainants

3.Muthumanikandan

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Sessions Judge, Special Court for SC/ST(POA) Act, Thoothukudi, to consider the bail application of the petitioner on the same day of their surrender in Cr.No.68/2023 on the file of the R1 and R2 police.



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For petitioner : Mr.N.Pragalathan

For Respondents : Mr.B.Nambiselvan for R1 & R2
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the learned Sessions Judge, Special Court for SC/ST(POA) Act, Thoothukudi, to accept the surrender of the petitioner in connection with Crime No.68 of 2023 on the file of the 2nd Respondent Police on the same day of filing and to consider the Anticipatory Bail/ Bail petition filed by the petitioner on the same day of filing in accordance with law.

2.The petitioner is the accused persons in Crime No.68 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b), 324 and 506(ii) of IPC and under Sections 3(1)(r) & 3(1)(s) 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 submit that the injured in this case has been discharged from the hospital and there is no previous antecedents against the petitioner.



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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 learned Sessions Judge, Special Court for SC/ST(POA) Act, 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 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.

19.06.2023

Index : Yes/No
Internet : Yes/No
TM

To

1. The Sessions Judge, Special Court for SC/ST(POA) Act, Thoothukudi.



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- 2.The Deputy Superintendent of Police,
Tiruchendur Sub-Division,
Tiruchendur,
Thoothukudi District.
- 3.The Inspector of Police,
Authoor Police Station,
Authoor,
Thoothukudi 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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