



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.10887 of 2023

1. Sangilimuthu

2. Kamalesan

... Petitioners/Accused 1 and 2

Vs.

1. The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Theni District.

2. State, represented by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

Crime No. 189 of 2023. ... 1st and 2nd Respondents/Complainants

3. Alaguraja

... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for SC/ST (POA) Act, Theni to accept the surrender of the petitioners along with bail application in Crime No. 189 of 2023 on the file of the 2nd respondent police herein and to consider and dispose the bail application on the same day on merits.

For Petitioners : Mr.Yogeswaran J

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



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ORDER

This petition has been filed to direct the Special Court for SC/ST (POA) Act, Theni, to accept the surrender of the petitioners along with bail application in Crime No. 189 of 2023 on the file of the 2nd respondent police herein and to consider and dispose the bail application on the same day on merits.

2.The petitioners are the accused persons in Crime No.189 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 294(b), 427, 506(ii) 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, 1989.

3.Mr.B.Nambiselvan, learned Additional Public Prosecutor, accepts notice for the respondents 1 and 2. He would submit that the petitioner caused damage worth about Rs.10,000/- to the third respondent's property.

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 (POA) Act, Theni, 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.

3) The Special Court for SC/ST (POA) Act, Theni, is directed to take into consideration of the damage that was caused by the petitioner at that time of considering the petitioner's bail application.

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

20.06.2023

NCC: Yes/No

Index : Yes/No

Internet : Yes/No

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G.ILANGOVAN. J.

Indu

To

- 1.The Special Court for SC/ST (POA) Act,
Theni.
- 2.The Deputy Superintendent of Police,
Uthamapalayam Sub Division,
Theni District.
- 3.The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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