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Crl.O.P.(MD)No.11194 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2023**

CORAM:

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

Crl.O.P.(MD)No.11194 of 2023

1.Buveneswaran

2.Jeyasuriya

... Petitioners/Accused 1 & 2

Vs.

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

2.The Inspector of Police,
Bodinayakanur Taluk Police Station,
Theni District.

(Crime No.180 of 2023) ... 1st and 2nd Respondents/Complainants

3.Kumar ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct Special Judge for SC/ST(Prevention of Atrocities) Amendment Act, Theni, to consider the bail application of the petitioners on the same day of their surrender in Crime No.180 of 2023 on the file of the respondent police.

For Petitioners : Mr.K.Kevinkaran

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



ORDER

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This petition has been filed seeking direction to the learned Special Judge for SC/ST(Prevention of Atrocities) Amendment Act, Theni, to accept the surrender of the Petitioners in connection with Crime No.180/2023 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 petitioners on the same day of filing in accordance with law.

2.The petitioners are the accused persons in Crime No.180 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 147, 294(b), 323 and 506(i) of IPC and under Sections 3(1)(r), 3(1)(s) & 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 submit that the petitioners are having no previous cases pending against them. It is a case in counter case.

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 Special Judge for SC/ST(Prevention of Atrocities) Amendment 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.

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

22.06.2023

Index : Yes/No
Internet : Yes/No
TM

To

1.The Special Judge for SC/ST(Prevention of Atrocities) Amendment Act, Theni.

2.The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Theni District.

3.The Inspector of Police,
Bodinayakanur Taluk Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN. J.

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