



WEB COPY

Crl.O.P.(MD)No.12543 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12543 of 2023

1.Prakash

2.Ondiveeran @ Veera

... Petitioners / Accused Nos.2 & 3

Vs.

1.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Periyakulam Sub Division,
Periyakulam, Theni District.

2.The State represented through
the Inspector of Police,
Devadanapatti Police Station,
Theni District.

(In Crime No.179 of 2023) ..Respondents / Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for the Exclusive Trial of SC and ST Act Cases, Theni, to consider the bail application of the petitioners on the same day on merits in Crime No.179 of 2023 on the file of the second respondent Police Station.

For Petitioners

For R1 and R2

: Mr.A.Abdul Kabur

: Mr.Thanga Aravindh

Government Advocate Crl.Side)



ORDER

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This Criminal Original Petition is filed seeking for a direction to the Special Court for the Exclusive Trial of SC and ST Act Cases, Theni, to consider the bail application of the petitioners on the same day on merits in Crime No.179 of 2023 on the file of the second respondent Police Station.

2. It is submitted by the learned counsel appearing for the petitioners that the petitioners are Accused Nos.2 and 3 in Crime No.179 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 323 and 506 (1) of IPC and 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989..

3. The petitioners submit that they intend to surrender before the learned Special Judge and sought for a direction to dispose of the bail application on the very same day in Crime No.179 of 2023 on the file of the second respondent.



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4. Considering the circumstances, the petitioners are at liberty to surrender before the Special Court for the Exclusive Trial of SC and ST Act Cases, Theni, within a period of 15 days from the date of receipt of a copy of this order. If the petitioners surrender and file bail application, the learned Special Judge is directed to dispose of the same as per law as expeditiously as possible preferably on the same day by giving notice to the prosecutor and on hearing both sides. It is needless to state that merely because this direction is given to dispose of the application possibly on the very same day does not mean that the bail application shall be allowed. The learned Special Judge is directed to consider and dispose of the same on hearing both sides on the basis of merits and as per law.

Index : Yes/No
Internet : Yes/No
tsg

12.07.2023



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DR.D.NAGARJUN. J.

tsg

To

- 1.The Special Court for the Exclusive Trial of
SC and ST Act Cases, Theni.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Periyakulam Sub Division,
Periyakulam, Theni District.
- 2.The State represented through
the Inspector of Police,
Devadanapatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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12.07.2023