



Crl.O.P.(MD)No.12535 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.12535 of 2023

Mohammed Ibrahimsha

... Petitioner

Vs.

1.State represented through the
Deputy Superintendent of Police,
Oomatchikulam, Madurai District.

2.The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.

..Respondents 1 & 2 / Complainant

3.Palanichamy

..Respondent No.3 / *Defacto* Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the III Additional District and Sessions Judge, Madurai (Special Court for trial of Scheduled Caste and Scheduled Tribe Act Cases) to consider the bail application of the petitioner on the same day of surrender in Crime No.240 of 2023 on the file of the second respondent Police Station.

For Petitioner
For R1 and R2

: Mr.M.Bazeerdeen
: Mr.Thanga Aravindh
Government Advocate Crl.Side)



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ORDER

This Criminal Original Petition is filed seeking for a direction to the learned III Additional District and Sessions Judge, Madurai (Special Court for trial of Scheduled Caste and Scheduled Tribe Act Cases) to consider the bail application of the petitioner on the same day of surrender in Crime No.240 of 2023 on the file of the second respondent Police Station.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is the sole Accused in Crime No.240 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 355 and 506 (1) of IPC and 3 (1) (r) and 3 (1) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The petitioner submits that he intends 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.240 of 2023 on the file of the second respondent.



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4. Considering the circumstances, the petitioner is at liberty to surrender before the learned III Additional District and Sessions Judge, Madurai (Special Court for trial of Scheduled Caste and Scheduled Tribe Act Cases) within a period of 15 days from the date of receipt of a copy of this order. If the petitioner surrenders and files 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 III Additional District and Sessions Judge, Madurai
(Special Court for trial of Scheduled Case and
Scheduled Tribe Act Cases) .
- 2.The Deputy Superintendent of Police,
Oomatchikulam, Madurai District.
- 3.The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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