



WEB COPY

Crl.O.P.(MD)No.12728 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.12728 of 2023

1.Mathan @ Mariappan

2.Manoj @ Marimuthu

... Petitioners / Accused Nos.3 & 17

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam, Thoothukudi District.

2.The Sub-Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

(in Crime No.104 of 2023) ..Respondent Nos.1 & 2 / Complainants

3.Mundasamy ..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 Act Cases, Thoothukudi, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.104 of 2023 on the file of the second respondent.

For Petitioners
For R1 and R2

: Mr.S.Sundarapandian
: Mr.SS.Madhavan
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Special Judge for SC/ST Act Cases, Thoothukudi, to accept the surrender of the petitioners and consider their bail application on the same day on merits in relating to Crime No.104 of 2023 on the file of the second respondent.

2. It is submitted by the learned counsel appearing for the petitioners that the petitioners are Accused Nos.3 and 17 in Crime No.104 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506 (ii) of I.P.C. r/w. Sections 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the SC/ST (Amendment) (POA) Act, 2015.

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.104 of 2023 on the file of the second respondent. Learned Government Advocate (Criminal Side) submits that there is no previous criminal history.



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4. Considering the circumstances, the petitioners are at liberty to surrender before the learned Special Judge for SC/ST Act Cases, Thoothukudi, 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.

17.07.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

tsg

To

- 1.The Special Court for SC/ST Act Cases, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam, Thoothukudi District.
- 3.The Sub-Inspector of Police,
Seidunganallur Police Station, Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

tsg

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