



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **25.07.2023**

CORAM:

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

Crl.O.P.(MD) No.12836 of 2023

Palani

... Petitioner / Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Muthukulathur Sub Division,
Ramanathapuram District.

2.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

(Crime No.133 of 2023) ..1st and 2nd Respondents / complainants

3.Thirish ...3rd Respondent / defacto complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Ramanathapuram, to accept the surrender of the petitioner and consider his bail application and grant bail on the same date of surrender itself in Crime No.133 of 2023, dated 09.07.2023.

For Petitioner	: Mr.C.Mayilvahana Rajendran
For R1 and R2	: Mr.E.Antony Sahaya Prababar Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Special Judge for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Ramanathapuram, to consider the bail application filed by the petitioner on the same day of surrender in Crime No. 133 of 2023 on the file of the second respondent Police.

2. It is submitted by the learned counsel for the petitioner that the petitioner is Accused No.2 in Crime No.133 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 341, 294(b), 324 and 506 (2) of IPC r/w Sections 3 (1) (r) 3 (1) (s) and 3 (2) (va) of the SC/ST (Prevention of Atrocities) Act, 1989 and 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.133 of 2023 on the file of the second respondent.

3. Learned Additional Public Prosecutor on the other hand submits that the petitioner has earlier involved in a case under I.P.C.



offences. Learned counsel for the petitioner submitted that the case earlier registered against the petitioner which was ended in acquittal.

4. Considering the circumstances, the petitioner is at liberty to surrender before the learned Special Judge for the Exclusive Trial of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Ramanathapuram, 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.

5. It is needless to state that merely because this direction is given to dispose of the application possibly on the very same day, it 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

25.07.2023



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DR.D.NAGARJUN. J.

tsg

To

- 1.The Special Court for the Exclusive Trial
of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act Cases, Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Muthukulathur Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.12836 of 2023

25.07.2023