



Crl.O.P(MD) No.13291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 25.07.2023

CORAM:

The Hon`ble Dr.Justice **D.NAGARJUN**

Crl.O.P.(MD)No.13291 of 2023

N.Murugan

... Petitioner / Accused No.2

Vs

1.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Srivaikundam Sub Division,
Thoothukudi District.

2.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(Cr.No.38 of 2023)

3.Sathishkumar

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to direct the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi, to accept the surrender of the petitioner / Accused No.2 and consider the petitioner's bail application and grant bail on the date of surrender itself in Crime No.38 of 2023 dated 18.04.2023 on the file of the respondent police.

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For Petitioner : M/S. G.Karupasamy Pandiyan
For R1 and R2 : Mr.S.S.Madhavan
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi, to consider the bail applications of the petitioners on the same day, on merits in Crime No.38 of 2023 on the file of the second respondent.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner is accused No.2 in Crime No.38 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 406, 420, 309 of IPC and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.



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3. The petitioners submit that they 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.38 of 2023 on the file of the second respondent.

4. The learned Government Advocate (Crl.side) would submit that there is no previous criminal record against the petitioners. The injured in this case has been discharged from the hospital.

5. Considering the circumstances, the petitioners are at liberty to surrender before the learned Special Judge, Special Court for trial of cases under SC/ST (POA) Act, 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 applications, 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



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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.

25.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Special Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi.
- 2.The Deputy Superintendent of Police,
O/o. the Deputy Superintendent of Police,
Srivaikundam Sub Division, Thoothukudi District.
- 3.The Inspector of Police, Kurumbur Police Station,
Thoothukudi District. (Cr.No.38 of 2023)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR. D.NAGARJUN, J.

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ORDER
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