



Crl.O.P(MD) No.13297 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 25.07.2023

CORAM:

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

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Ilayaraja

... Petitioner

Vs

1.The Deputy Superintendent of Police,
Thirumayam Division,
Pudukkottai District.

2.The Inspector of Police,
K.Pudupatty police station,
Pudukkottai District,
in (Crime No.102 of 2023)

3.Mallika

... Respondents

Prayer : Petition filed under Section 482 of Cr.P.C., to direct the learned Sessions Judge, Special Court for Exclusive Trial of SC/ST POA Act Cases, Pudukkottai to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with Crime No. 102 of 2023 on the file of the 2nd respondent.



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For Petitioner : M/S. A.Arun Prasad
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 Sessions Judge, Special Court for Exclusive Trial of SC/ST POA Act Cases, Pudukkottai, to consider the bail application to be filed by the petitioner on the same day on his surrender in connection with Crime No.102 of 2023.

2. It is submitted by the learned counsel for the petitioner that the police have registered a case against the petitioner in Crime No.102 of 2023 for the offences under Sections 294(b), 506(i), 509 of IPC read with Section 3(1)(e), 3(1)(s) and 3(2)(va) of Scheduled Caste and the Schedule Tribes (Prevention of Atrocities) Act, in respect of the incident that took place on 27.06.2023, basing on a complaint given by the defacto complainant on 28.06.2023. It is submitted that allegations



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levelled against the petitioners are false and since there is no provision of pre-arrest bail as per Section 18 of the SC/ST (Prevention of Atrocities) Act, the petitioner has filed this application seeking for a direction under Section 482 of Cr.P.C., to dispose of the bail application.

3. Learned Government Advocate (Crl.side) has opposed this claim stating that there are three cases pending against the petitioner pertaining to alleging that he has committed offence under the provisions of SC/ST (Prevention of Atrocities) Act.

4. Considering the fact that the petitioner has history of committing offences, whenever bail application is filed, the trial Court may requires to undertake thorough examination of the facts of the case, including the past criminal history by giving notice to the defacto complainant. Thereby, in case, if the trial Court is directed to dispose of the bail application on the very same day, there may not be sufficient time for the trial Court to consider all relevant facts prior to disposal of bail application.



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5. Considering the circumstances, the request of the petitioner for a direction to the learned Sessions Judge, Special Court for Exclusive Trial of SC/ST POA Act Cases, Pudukkottai, dispose of the bail application on the very same day when it is filed, cannot be ordered and this Criminal Original Petition is dismissed.

25.07.2023

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

pnn



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To

1. The Sessions Judge, Special Court for Exclusive Trial
of SC/ST POA Act Cases, Pudukkottai.
2. The Deputy Superintendent of Police, Thirumayam Division,
Pudukkottai District.
3. The Inspector of Police, K.Pudupatty police station,
Pudukkottai District, in (Crime No.102 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
IN
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