



CRL.O.P.(MD)No.13432 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.13432 of 2023

1.Suresh

2.Subash @Thuvas

3.Kamudurai

4.Kumar

... Petitioners / Accused Nos.1 to 4

Vs

1.The Deputy Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.261 of 2023)

3.Murali

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned Special Court for Exclusively Trial of SC/ST Act Cases, Theni, to consider the bail application on the same day in Crime No.261 of 2023 on the file of the second respondent Police Station.

For Petitioners : Mr.M.Maharaja

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

This petition is filed seeking for a direction to the learned Special Court for Exclusively Trial of SC/ST Act Cases, Theni, to consider the bail application on the same day in Crime No.261 of 2023 on the file of the second respondent Police Station.

2. It is submitted by the learned counsel for the petitioners that the petitioners are Accused Nos.1 to 4 in Crime No.261 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 147, 294(b), 324 and 506 (ii) of IPC r/w Sections 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the SC / ST POA Act, 1989 and the petitioners submit that they intend to surrender before the learned Special Judge and sought for a direction to dispose of the bail applications on the very same day in Crime No.261 of 2023 on the file of the second respondent.

3. Learned Government Advocate (Criminal Side) on the other hand submits that Accused No.1 has already remanded to judicial custody. He further submits that there is no previous criminal history against Accused Nos.2 to 4.



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4. Considering the circumstances, insofar as petitioners 2 to 4/

Accused Nos.2 to 4 are concerned, this petition is allowed and dismissed as against Accused No.1 / petitioner No.1. The petitioner Nos.1 to 4 are at liberty to surrender before the learned Special Court for Exclusively Trial of SC/ST Act Cases, Theni, within a period of 15 days from the date of receipt of a copy of this order. If the petitioner Nos.1 to 4 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.

5. It is needless to state that merely because this direction is given to dispose of the applications possibly on the very same day, it does not mean that the bail applications 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.

08.08.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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DR.D.NAGARJUN, J.

tsg

To

- 1.The Special Court for exclusively trial
in SC / ST Act Cases, Theni.
- 2.The Deputy Superintendent of Police,
Theni District, Theni.
- 3.The Inspector of Police,
Veerapandi Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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