



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **31.07.2023**

CORAM:

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

Crl.O.P.(MD) No.13632 of 2023

Kavitha

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thiruvaiyaru,
Thanjavur District.

2.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District,
Crime No.164 of 2023.

3.Kalyani

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for offence under (SC and ST) POA Amendment Act cases (PCR Court), Thanjavur, to accept the surrender of the petitioner and consider the bail application on the same day on merit relating to Crime No.164 of 2023 dated 10.07.2023 on the file of the second respondent Police.



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For Petitioner : Mr.S.Sathya Chidambaram
For R1 and R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Special Court for offence under (SC and ST) POA Amendment Act cases (PCR Court), Thanjavur, to consider the bail application of the petitioner on the same day on merits in Crime No. 164 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.1 in Crime No.164 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 324, 354, 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

3.The petitioner submits that she intends to surrender before the learned Special Court for offence under (SC and ST) POA Amendment



Act cases (PCR Court), Thanjavur, and sought for a direction to dispose of the bail application on the very same day in Crime No.164 of 2023 on the file of the second respondent.

4.The learned Government Advocate (criminal side) appearing for the official respondents submits that no previous case is pending against the petitioner and the injured has been discharged from the hospital.

5.Considering the circumstances, the petitioner is at liberty to surrender before the learned Special Court for offence under (SC and ST) POA Amendment Act cases (PCR Court), Thanjavur, 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 Court for offence under (SC and ST) POA Amendment Act cases (PCR Court), Thanjavur, 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.

6.It is needless to state that merely because this direction is given to dispose of the application as expeditiously as possible on the very same day does not mean that the bail application shall be allowed. The



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learned Special Court for offence under (SC and ST) POA Amendment

Act cases (PCR Court), Thanjavur, is required to hear both sides on

merits and dispose of the same as per law.

Index : Yes/No

31.07.2023

Internet : Yes/No

ssb

To

1.The learned Special Court for offence under (SC and ST) POA Amendment Act cases (PCR Court), Thanjavur.

2.The Deputy Superintendent of Police,
Thiruvaiyaru,
Thanjavur District.

3.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District,

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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