



CrI.O.P.(MD) No.14641 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2023**

CORAM:

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

CrI.O.P.(MD) No.14641 of 2023

1.Kalaiyarasan

2.Dhinesh

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Sammadividuthi Police Station,
Pudukkottai District.

2.The State represented by
The Inspector of Police,
Sammadividuthi Police Station,
Pudukkottai District.
(Cr.No.92 of 2023)

3.P.Thangaraj

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned District and Sessions P.C.R. Court, Pudukottai, under the SC/ST Prevention of Atrocities Act to consider the bail application on the surrender of the petitioner in connection with Crime No.92 of 2023 pending investigation on the file of the respondents on merits on the same day.

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For Petitioners :Mr.R.Jegadeeswaran

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 District and Sessions P.C.R. Court, Pudukottai, to consider the bail application of the petitioners on the same day on merits in Crime No.92 of 2023 on the file of the respondent No.2 police.

2.It is submitted by the learned counsel appearing for the petitioners that the petitioners are the accused Nos.1 and 2 in Crime No.92 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 294(b), 324 and 323 IPC and Section 3(1)(r), 3(1)(s) 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, and that they intend 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.92 of 2023 on the file of the respondent No.2 police.



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3.Learned Government Advocate (Criminal Side) on the other hand submits that similar cases were pending against the accused No.2 and counter case is also pending and there was a police picket, which was subsequently withdrawn. It is submitted further that no case is pending against the petitioner No.1/A1 and one similar case is pending against the petitioner No.2/A2 and the injured has been discharged from the hospital.

4.Considering the circumstances, the petitioner No.1 is at liberty to surrender before the District and Sessions P.C.R. Court, Pudukottai, within a period of 15 days from the date of receipt of a copy of this order. If the petitioner No.1 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 as expeditiously as possibly on the very same day does not mean that the bail application shall be allowed. The learned Special Judge is required to hear both sides on merits and dispose of the same as per law.



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6.This Petition is partly allowed, accordingly and insofar as the petitioner No.2, is concerned, this Petition is dismissed.

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

22.08.2023

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To

- 1.The District and Sessions P.C.R. Court,
Pudukottai.
- 2.The Deputy Superintendent of Police,
Sammadividuthi Police Station,
Pudukottai District.
- 3.The Inspector of Police,
Sammadividuthi Police Station,
Pudukottai 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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