

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2023**

CORAM:

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

CrI.O.P.(MD) No.14734 of 2023

1.Nirmala

2.Prakash

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thiruvidaimarudhur Division,
Thanjavur District.

2.The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
Crime No.541 of 2023.

3.Vijaykumar

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for trial under Section SC/ST (POA) Amendment Act Cases, Thanjavur to accept the surrender of the petitioners and consider their bail application on the same day in Crime No.541 of 2023 dated 01.08.2023 on the file of the second respondent Police.

For Petitioners : Mr.V.M.Jegadeesha Pandian
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 Judge for trial U/s SC/ST (POA) Amendment Act Cases, Thanjavur, to consider the bail application of the petitioners on the same day on merits in Crime No.541 of 2023 on the file of the second respondent.

2.It is submitted by the learned counsel appearing for the petitioners that the petitioners are the accused Nos.3 and 2 in Crime No.541 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 324 and 427 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

3.The petitioners submit that they intend to surrender before the learned Special Judge for trial U/s SC/ST (POA) Amendment Act Cases, Thanjavur, and sought for a direction to dispose of the bail application on

the very same day in Crime No.541 of 2023 on the file of the second respondent.

4.The learned Government Advocate (criminal side) appearing for the official respondents submits that this is a case and counter case and the injured has been discharged from the hospital.

5.Considering the circumstances, the petitioners are at liberty to surrender before the learned Special Judge for trial U/s SC/ST (POA) Amendment Act Cases, Thanjavur, within a period of 15 days from the date of receipt of a copy of this order. If the petitioners surrender and file 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.

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, it 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.

7. With the above directions, this Criminal Original Petition is disposed of.

Index : Yes/No
Internet : Yes/No
ssb

23.08.2023

To

- 1.The learned Special Judge for trial U/s SC/ST (POA) Amendment Act Cases, Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvidaimarudhur Division,
Thanjavur District.
- 3.The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

DR.D.NAGARJUN. J.

ssb

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