



CrI.O.P.(MD) No.15148 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2023**

CORAM:

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

CrI.O.P.(MD) No.15148 of 2023

1.Chandran

2.Ashok @ Ashokkumar

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Thalaiyuthu Sub Division,
Tirunelveli District.

2.State:
rep. The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Cr.No.369/2023)

3.Rajendran

4.Abharam

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for offence under (SC&ST) POA amendment Act cases (PCR Court), at Tirunelveli to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Cr.No.369 of 2023 dated 08.08.2023.

1/5



Crl.O.P.(MD) No.15148 of 2023

WEB COPY

For Petitioners :Mr.V.Maharajan
For R1 and R2 :Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the Special Court for offence under (SC&ST) POA amendment Act cases (PCR Court), at Tirunelveli, to consider the bail application of the petitioners on the same day on merits in Crime No.369 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.4 and 6 in Crime No.369 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 147, 153A, 294(b), 323 and 506(2) IPC, Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, Section 3(1)(r), 3(1)(s) and 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.369 of 2023 on the file of the respondent No.2 police.



Crl.O.P.(MD) No.15148 of 2023

WEB COPY

3.Learned Government Advocate (Criminal Side) on the other hand submits that there are simple injuries and no case is pending against the petitioners.

4.Considering the circumstances, the petitioners are at liberty to surrender before the Special Court for offence under (SC&ST) POA amendment Act cases (PCR Court), at Tirunelveli, 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.

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.



Crl.O.P.(MD) No.15148 of 2023

WEB COPY

6.This Petition is disposed of, accordingly.

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

30.08.2023

mm

To

- 1.The Special Court for offence under (SC&ST) POA amendment Act cases, (PCR Court), at Tirunelveli.
- 2.The Deputy Superintendent of Police, Thalaiyuthu Sub Division, Tirunelveli District.
- 3.The Inspector of Police, Manur Police Station, Tirunelveli District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD) No.15148 of 2023

DR.D.NAGARJUN. J.

mm

Crl.O.P.(MD)No.15148 of 2023

30.08.2023