



CrI.O.P.(MD) No.15174 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.15174 of 2023

C.Balaji

... Petitioner

Vs.

The State rep by

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Sub Inspector of Police,
Jeyamangalam Police Station,
Periyakulam Taluk,
Theni District.
(Cr.No.162 of 2023)

3.Rajeshwaran

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for SC/ST Act Cases, Theni to accept the surrender of the petitioner and to consider his bail application on the same day in connection with the Cr.No.162 of 2023 dated 09.06.2023 on the file of the respondent Police.

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For Petitioner :Mr.R.Shankar Ganesh
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 Special Court for SC/ST Act Cases, Theni, to consider the bail application of the petitioner on the same day on merits in Crime No.162 of 2023 on the file of the respondent No.2 police.

2.It is submitted by the learned counsel appearing for the petitioner that the petitioner is the accused No.1 in Crime No.162 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 294(b), 323, 324 and 506(2) IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, and that he intends 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.162 of 2023 on the file of the respondent No.2 police.



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3.The learned Government Advocate (Crl.side) has strongly opposed for considering this application and has submitted that the petitioner is a history sheeter and there are 3 previous cases pending against the petitioner, out of which one case is registered for the offence under Section 302 IPC. However, the learned counsel for the petitioner has fairly submitted that he was not instructed about the previous cases by the petitioner.

4.Considering the circumstances, the petitioner is at liberty to surrender before the Special Court for 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 surrenders and files bail application, the learned Special Judge is directed to dispose of the same purely on merits and not necessary to dispose of the same on the very same day by giving notice to all the parties concerned keeping in view of the fact that the petitioner is a history sheeter and previous cases are pending against him.

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



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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.

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

30.08.2023

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To

- 1.The Special Court for SC/ST Act Cases, Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
- 3.The Sub Inspector of Police,
Jeyamangalam Police Station,
Periyakulam Taluk,
Theni 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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