

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.09.2023**

CORAM:

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

Crl.O.P.(MD) No.15948 of 2023

1.Ramanathan

2.Vignesh @ Vigneshwaran

3.Bhuavaneshwaran

4.Dhanapal

... Petitioners

Vs.

1.The State represented by
Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.

2.The State represented by
Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(in Cr.No.398 of 2020)

3.Gowthaman

4.Selvaraj

5.Raghuvel

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Additional District and Sessions Court, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai to dispose the bail application of the petitioners on merits on the same day of their surrender before the above mentioned concerned Court in Cr.No.398 of 2020 on the file of 2nd respondent.

For Petitioners :Mr.S.Vijayakumar

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 Additional District and Sessions Court, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, to consider the bail application of the petitioners on the same day on merits in Crime No.398 of 2020 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 to 3 and 5 in Crime No.398 of 2020 on the file of the respondent No.2 police, which was registered for the offences under

Sections 147, 148, 294(b), 324 and 506(ii) IPC 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.398 of 2020 on the file of the respondent No.2 police.

3.Learned Government Advocate (Criminal Side) on the other hand submits that the petitioner Nos.1 and 4 are having 4 and 5 previous cases respectively.

4.Considering the circumstances, the petitioner Nos.2 and 3 are at liberty to surrender before the Additional District and Sessions Court, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, within a period of 15 days from the date of receipt of a copy of this order. If the petitioner Nos.2 and 3 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.

6.This Petition is partly allowed, accordingly.

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

07.09.2023

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To

- 1.The Additional District and Sessions Judge,
Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Manamadurai Sub Division,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai 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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