



CrI.O.P.(MD) No.15479 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.15479 of 2023

1.Muthukumar

2.Balakrishnan @ Balu

... Petitioners

Vs.

1.The State

represented by the Deputy Superintendent of Police,
Rajapalayam Sub Division, Virudhunagar District.

2.The State

represented by Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam, Virudhunagar District.

3.Mariammal

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for Exclusive Trial of cases under SC/ST (POA) Act Sessions Judge, Srivilliputhur, Virudhunagar District to dispose the bail application filed by the petitioners on merits on the same day on his surrender before the above mentioned concerned Court in pending investigation of Cr.No.



Crl.O.P.(MD) No.15479 of 2023

315 of 2023 on the file of the Inspector of Police, Rajapalayam South Police Station, Virudhunagar District.

For Petitioner :Mr.S.Sarvagan Prabhu
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 Exclusive Trial of cases under SC/ST (POA) Act Sessions Judge, Srivilliputhur, Virudhunagar District, to consider the bail application of the petitioners on the same day on merits in Crime No.315 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.2 and 3 in Crime No.315 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 294(b), 448, and 323 IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and 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



Crl.O.P.(MD) No.15479 of 2023

WEB COPY

learned Special Judge and sought for a direction to dispose of the bail application on the very same day in Crime No.315 of 2023 on the file of the respondent No.2 police.

3.Learned Government Advocate (Criminal Side) on the other hand submits that the injured has been discharged from the hospital and the accused is having no previous case and there is case and counter case.

4.Considering the circumstances, the petitioners are at liberty to surrender before the Special Court for Exclusive Trial of cases under SC/ST (POA) Act Sessions Judge, Srivilliputhur, Virudhunagar District, 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



Crl.O.P.(MD) No.15479 of 2023

WEB COPY

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 disposed of, accordingly.

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

01.09.2023

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To

- 1.The Special Court for Exclusive Trial of cases under SC/ST (POA) Act Sessions Judge, Srivilliputhur, Virudhunagar District
- 2.The Deputy Superintendent of Police, Rajapalayam Sub Division, Virudhunagar District.
- 3.The Inspector of Police, Rajapalayam South Police Station, Rajapalayam, Virudhunagar District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD) No.15479 of 2023

DR.D.NAGARJUN. J.

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Crl.O.P.(MD)No.15479 of 2023

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