



WEB COPY

Crl.O.P.(MD)No.16057 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2023**

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD) No.16057 of 2023

K.Udhayakumar

... Petitioner

Vs.

1.The State through the
The Deputy Superintendent of Police,
Theni,
Theni District.

2.The State Rep.by
The Inspector of Police,
Palani Chetti Patti Police Station,
Theni District.
Crime No.366 of 2023.

3.Nithya

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Judge for Exclusive Trial of Cases under SC/ST (POA) Act, Theni to accept the surrender of the petitioner and consider the petitioner's bail application on the date of surrender itself in Crime No.366 of 2023 on the file of the second respondent.

For Petitioner	: Mr.R.Venkatesan
For R1 and R2	: Mr.S.S.Madhavan
	Government Advocate (Crl.Side)



WEB COPY

Crl.O.P.(MD)No.16057 of 2023



ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Special Judge for Exclusive Trial of Cases under SC/ST (POA) Act, Theni, to consider the bail application of the petitioner on the same day on merits in Crime No.366 of 2023 on the file of the second respondent.

2.It is submitted by the learned counsel appearing for the petitioner that the petitioner is a sole accused in Crime No.366 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 427 and 506(1) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989.

3.The petitioner submits 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.366 of 2023 on the file of



the second respondent.

WEB COPY

4. The learned Government Advocate appearing for the official respondents, on instructions, submits that no previous case is pending against the petitioner and no one has been injured in this case.

5. Considering the circumstances, the petitioner is at liberty to surrender before the learned Special Judge for Exclusive Trial of Cases under SC/ST (POA) Act, 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 as per law as expeditiously as possible preferably on the same day by giving notice to the prosecutor and defacto complainant 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 possibly 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.



Crl.O.P.(MD)No.16057 of 2023

7. Accordingly, this Criminal Original Petition is disposed of.

WEB COPY

Index : Yes/No

05.09.2023

Internet : Yes/No

ssb

To

1.The learned Special Judge for Exclusive Trial of Cases under SC/ST (POA) Act, Theni.

2.The Deputy Superintendent of Police,
Theni,
Theni District.

3.The Inspector of Police,
Palani Chetti Patti Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CrI.O.P.(MD)No.16057 of 2023

K.K.RAMAKRISHNAN,J

ssb

CrI.O.P.(MD)No.16057 of 2023

05.09.2023