



CrI.O.P.(MD) No.16205 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.16205 of 2023

Thirumalai @ Thirumalaikumar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sankarankovil Division, Tenkasi District.

2.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
(in Cr.No.119 of 2023)

3.K.S.S.M.Sankar

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for Trial U/s SC/ST (POA) Amendment Act Cases (Additional District Court-II), Tirunelveli to accept the surrender of the petitioner and consider his bail application on the same day in Cr.No.119 of 2023 dated 26.07.2023 on the file of the 2nd Respondent Police.



Crl.O.P.(MD) No.16205 of 2023

WEB COPY

For Petitioner :Mr.V.Jegadeesha Pandian
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 Trial U/s SC/ST (POA) Amendment Act Cases (Additional District Court-II), Tirunelveli, to consider the bail application of the petitioner on the same day on merits in Crime No.119 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.119 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 294(b) and 109 IPC and Section 3(1)(r), 3(1)(s) 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.119 of 2023 on the file of the respondent No.2 police.



Crl.O.P.(MD) No.16205 of 2023

WEB COPY

3.Learned Government Advocate (Criminal Side) on the other hand submits that there is no hospitalization.

4.Considering the circumstances, the petitioner is at liberty to surrender before the Special Court for Trial U/s SC/ST (POA) Amendment Act Cases (Additional District Court-II), Tirunelveli, 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 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.16205 of 2023

WEB COPY

6.This Petition is disposed of, accordingly.

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

13.09.2023

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To

- 1.The Special Court for Trial U/s SC/ST (POA) Amendment Act Cases
(Additional District Court-II), Tirunelveli.
- 2.The Deputy Superintendent of Police,
Sankarankovil Division, Tenkasi District.
- 3.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.16205 of 2023

DR.D.NAGARJUN. J.

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Crl.O.P.(MD)No.16205 of 2023

13.09.2023