



Crl.O.P.(MD) No.16279 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.16279 of 2023

- 1.Rathinasamy
- 2.Sarath Kumar
- 3.Devi
- 4.Perumayee

... Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Periyakulam, Theni District.
- 2.The Inspector of Police,
Devadhanapatti Police Station,
Theni District.
- 3.Muthupandi

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for Trial of Cases under SC/ST (POA) Act, 1989, Theni, to consider the bail application of the petitioners concerned in Cr.No.317 of 2023 on the file of the 2nd Respondent Police and pass orders in accordance with law on the same day on his surrender of any petition filed by the petitioners.



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For Petitioners :Mr.S.Vikram
For R1and 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 Trial of Cases under SC/ST (POA) Act, 1989, Theni, to consider the bail application of the petitioners on the same day on merits in Crime No.317 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.1 to 4 in Crime No.317 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 447, 294(b), 323, 324 and 506(ii) IPC, Section 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 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.317 of 2023 on the file of the respondent No.2 police.



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WEB COPY 3.Learned Government Advocate (Criminal Side) on the other hand submits that the petitioner No.1 is having 5 previous cases.

4.Considering the circumstances, the petitioner Nos.2 to 4 are at liberty to surrender before the Special Court for Trial of Cases under SC/ST (POA) Act, 1989, Theni, within a period of 15 days from the date of receipt of a copy of this order. If the petitioner Nos.2 to 4 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. This Petition is partly allowed, accordingly.

Speaking : Yes / No
NCC : Yes / No

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To

- 1.The Special Court for Trial of Cases under SC/ST (POA) Act, 1989, Theni.
- 2.The Deputy Superintendent of Police,
Periyakulam, Theni District.
- 3.The Inspector of Police,
Devadhanapatti Police Station,
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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