



Crl.O.P.(MD) No.16532 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.09.2023**

CORAM:

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

Crl.O.P.(MD) No.16532 of 2023

1.Balakrishnan

2.Rangasamy

...Petitioners / Accused Nos.1 and 2

Vs.

1.The Deputy Superintendent of Police,
Aranthangi Division,
Aranthangi, Pudukkottai District.

2.The Sub-Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk, Pudukkottai District.
(In Crime No.161 of 2023)

... Respondents 1 & 2 / Complainants

3.Thaiyalnayaki

...3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for Trial Cases under SC / ST Act, Pudukkottai, to accept the surrender of the petitioners / Accused Nos.1 and 2 and to consider their bail application and grant bail on the date of surrender itself in Crime No.161 of 2023, dated 17.08.2023 on the file of the 2nd respondent.

For Petitioners : Mr.K.C.Maniyarasu

For R1 & R2 : Mr.B.Thanga Aravindh

Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for a direction to the Special Court for Trial Cases under SC / ST Act, Pudukkottai to accept the surrender of the petitioners and consider the petitioners' bail application on the date of their surrender in connection with Crime No.161 of 2023 on the file of the 2nd respondent Police.

2.It is submitted by the learned counsel for the petitioners that the petitioners are Accused Nos.1 and 2 in Crime No.161 of 2023 on the file of the 2nd respondent police, which was registered for the offences under Sections 294(b), 324 and 420 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. He further submitted that the petitioners intend to surrender before the Special Court for Trial Cases under SC / ST Act, Pudukkottai and hence, seek for a direction to dispose of the bail application on the very same day in Crime No.161 of 2023 on the file of the 2nd respondent Police.

3.The learned Government Advocate (Crl.Side) for the respondents submitted that insofar as the 1st petitioner / 1st accused is concerned, he has no previous case and in respect of the 2nd petitioner / 2nd accused, he has one previous case.



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4.Considering the facts and circumstances, since the 2nd petitioner has one previous case, this petition is dismissed against him. As far as the 1st petitioner is concerned, since he has no previous case, he is at liberty to surrender before the Special Court for Trial Cases under SC / ST Act, Pudukkottai within a period of 15 days from the date of receipt of a copy of this order. If the 1st petitioner surrenders and files bail application, the learned 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 possibly on the very same day, it does not mean that the bail application shall be allowed. The Special Court for Trial Cases under SC / ST Act, Pudukkottai, is directed to consider and dispose of the same on hearing both sides on the basis of merits and as per law.

6.With the above direction, the Criminal Original Petition is partly allowed.

15.09.2023

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

Yuva



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DR.D.NAGARJUN. J.

Yuva

To

- 1.The Judge,
Special Court for Trial Cases under SC / ST Act, Pudukkottai.
- 2.The Deputy Superintendent of Police,
Aranthangi Division,
Aranthangi, Pudukkottai District.
- 3.The Sub-Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk, Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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