



Crl.O.P(MD)No.16673 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P(MD)No.16673 of 2023

V.Sakthivel

... Petitioner

vs.

1.The Deputy Superintendent of Police,
Palani,
Dindigul District.

2.The Inspector of Police,
Ayakudi Police Station,
Palani,
Dindigul.

3.Balasubramani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Additional District and Sessions Court, Special Court for Exclusive Trial of Cases under SC/ST Prevention of Atrocities Act, 1989, Dindigul to dispose the bail application of the petitioners on merits on the same day of their surrender in Crime No.177 of 2023 on the file of the first respondent.



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For Petitioner : Mr.N.Mohan
For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Additional District and Sessions Court, Special Court for Exclusive Trial of Cases under SC/ST Prevention of Atrocities Act, 1989, Dindigul, to consider the bail application filed by the petitioner on the same day of surrender in Crime No.177 of 2023 on the file of the first respondent Police.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the accused No.1 in Crime No.177 of 2023 on the file of the first respondent police, which was registered for the offences under Sections 294(b), 323, 342 of IPC r/w Sections 3 (1) (r), 3 (1) (s) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989 and 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.177 of 2023 on the file of the first respondent.



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3. Learned Government Advocate (Criminal Side) on the other hand submits that this is a case and counter case and also submits that no previous case is pending against the petitioner.

4. Considering the circumstances, the petitioner is at liberty to surrender before the learned Additional District and Sessions Court, Special Court for Exclusive Trial of Cases under SC/ST Prevention of Atrocities Act, 1989, Dindigul, 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 possibly on the very same day, it does not mean that the bail application shall be allowed. The learned Special Judge is directed to consider and dispose of the same on hearing both sides on the basis of merits and as per law.



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6. With the above directions, this Criminal Original Petition is disposed of.

19.09.2023

Speaking/Non-speaking Order

NCC : Yes / No

Index : Yes / No

ssb

To

1. The Additional District and Sessions Court, Special Court for Exclusive Trial of Cases under SC/ST Prevention of Atrocities Act, 1989, Dindigul.

2.The Deputy Superintendent of Police,
Palani,
Dindigul District.

3.The Inspector of Police,
Ayakudi Police Station,
Palani,
Dindigul.

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

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DR.D.NAGARJUN, J.

ssb

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