



Crl.O.P(MD)No.16631 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.16631 of 2023

Vandimalaiyan @ Muthaiah

... Petitioner

vs.

1.The Deputy Superintendent of Police,
Srivaikundam,
Tuticorin District.

2.State:
Rep. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

3.Mundasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), at Thoothukudi, to accept the surrender of the petitioner and consider his bail application on the same day on merit relating to Crime No.104 of 2023, dated 04.07.2023.



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

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), at Thoothukudi, to consider the bail application filed by the petitioner on the same day of surrender in Crime No.104 of 2023 on the file of the second respondent Police.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the accused No.11 in Crime No.104 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) 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



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application on the very same day in Crime No.104 of 2023 on the file of the second respondent.

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

4. Considering the circumstances, the petitioner is at liberty to surrender before the learned Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), at Thoothukudi, 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 Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), at Thoothukudi.

2.The Deputy Superintendent of Police,
Srivaikundam,
Tuticorin District.

3.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.

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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