



Crl.O.P.(MD) No.16833 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.16833 of 2023

1.Saritha Begam

2.Ashik @ Ashiq Mohammed ... Petitioners / Accused No.2 & 3
Vs.

1.The Deputy Superintendent of Police,
Melur,
Madurai District. ...Respondent No.1 / Investigating Officer

2.State through the Inspector of Police,
Kottampatti Police Station,
in Crime No.295/2023,
Madurai District. ...Respondent No.2 / Complainant

3.Natchi ...Respondent No.3 / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Additional District and Sessions Judge, Special Court for SC/ST (POA) Act (III Additional District and Sessions Judge), Madurai, to consider and pass orders on the bail application of the petitioner/accused No.2 and 3 on the same



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day in Cr.No.295 of 2023 pending on the file of the 2nd respondent Police.

For Petitioners :Mr.R.Rajamohan

For R1 & R2 :Mr.SS.Madhavan
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 learned Additional District and Sessions Judge, Special Court for SC/ST (POA) Act (III Additional District and Sessions Judge), Madurai, to consider the bail application of the petitioners on the same day on merits in Crime No.295 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.2 and 3 in Crime No.295 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Section 294(b), 323, 506(i) and 109 IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989 and that they intend to surrender before the



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learned Special Judge and sought for a direction to dispose of the bail application on the very same day in Crime No.295 of 2023 on the file of the respondent No.2 police.

3.Learned Government Advocate (Criminal Side) on the other hand submits that the petitioners are having no previous case.

4.Considering the circumstances, the petitioners are at liberty to surrender before the learned Additional District and Sessions Judge, Special Court for SC/ST (POA) Act (III Additional District and Sessions Judge), Madurai, within a period of 15 days from the date of receipt of a copy of this order. If the petitioners 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



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required to hear both sides on merits and dispose of the same as per law.

6.This Petition is disposed of, accordingly.

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

21.09.2023

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To

- 1.The Deputy Superintendent of Police,
Melur,
Madurai District.
- 2.Inspector of Police,
Kottampatti Police Station,
Madurai District.
- 3.The Additional District and Sessions Judge,
Special Court for SC/ST (POA) Act
(III Additional District and Sessions Judge), Madurai
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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