



CrI.O.P.(MD) No.16745 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.16745 of 2023

1. Pavadamani @ Manikandan,

2. Veni @ Vanisri

... Petitioners/ Accused Nos.1 and 2

Vs.

1. The Deputy Superintendent of police
Nanguneri Sub Division,
Tirunelveli District.

2. The Insepector of Police,
Kalakad Police Station,
Tirunelveli District,
(Crime No.361/2023)

3.Kani

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), at Tirunelveli, to accept the surrender of the petitioners and consider their bail application on the same day on merit relating to Crime No.361 of 2023, dated 30.08.2023.



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For Petitioners

: Mr.S.Sathya Chidambaram,

For R1 & R-2

: Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. seeking for a direction to the learned Special Judge for offence under (SC & ST) POA Amendment Act Cases (PCR Court), Tirunelveli, to accept the surrender of the petitioners and consider their bail application on the same day in Crime No. 361 of 2023, dated 30.08.2023.

2. It is submitted by the learned counsel for the petitioners that the petitioners are Accused Nos.1 and 2 in Crime No.361 of 2023 on the file of the second respondent police, which was registered for the offences under Sections 294(b), 352, 114 of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3 (1) (r) and 3 (1) (s) of the SC/ST (Prevention of Atrocities Act), 1989 and the petitioners submit 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.361 of 2023 on the file of the second respondent.



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3. Learned Government Advocate (Criminal Side) on the other hand submits that Accused No.1 is having 14 previous cases, out of which, seven cases are pending on him and he further submits that there is no previous criminal history against Accused No.2

4. Considering the submissions made by both sides, this petition is dismissed as against the petitioner No.1/A1 and allowed in respect of the petitioner No.2 / A2. The second petitioner is at liberty to surrender before the learned Special Judge for offence under (SC & ST) POA Amendment Act Cases (PCR Court), Tirunelveli, within a period of 15 days from the date of receipt of a copy of this order. If the second 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



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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.

6. Accordingly, this Criminal Original Petition stands disposed of.

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

20.09.2023

tsg

To

1. The Special Court for offence under (SC & ST)
POA Amendment Act Cases, (PCR Court), Tirunelveli.
2. The Deputy Superintendent of police
Nanguneri Sub Division,
Tirunelveli District.
3. The Inspector of Police,
Kalakad Police Station,
Tirunelveli District,
(Crime No.361/2023)
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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DR.D.NAGARJUN. J.

tsg

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20.09.2023