



CrI.O.P.(MD) No.16823 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD)No.16823 of 2023

Sudalaimuthu @ Muthu

... Petitioner / Accused No.4

Vs.

1.The Deputy Superintendent of Police,
Thuckalay Sub-Division,
Kanyakumari District.

2.The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
In Crime No.181 of 2023

...Respondents 1 & 2 / Complainant

3.Subramani

...3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Judge for SC/ST (Prevention of Atrocities) Act / 2nd Additional District and Sessions Judge (PCR Court) Tirunelveli to consider the bail application of the petitioner on the same day of his surrender in Crime No.181 of 2023 on the file of the 2nd respondent Police.

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For Petitioner :Mr.S.Sukumar

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 Judge for SC/ST (Prevention of Atrocities) Act / 2nd Additional District and Sessions Judge (PCR Court) Tirunelveli to consider the bail application of the petitioner on the same day on merits in Crime No.181 of 2023 on the file of the respondent No.2 police.

2.It is submitted by the learned counsel appearing for the petitioner that the petitioner is the accused No.4 in Crime No.181 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Sections 294(b), 307 and 506 (2) IPC and Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989, and 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.181 of 2023 on the file of the respondent No.2 police.



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

4.Considering the circumstances, the petitioner is at liberty to surrender before the Special Judge for SC/ST (Prevention of Atrocities) Act / 2nd Additional District and Sessions Judge (PCR Court) Tirunelveli, 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 as expeditiously as possibly on the very same day does not mean that the bail application shall be allowed. The learned Special Judge is required to hear both sides on merits and dispose of the same as per law.



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6.This Petition is disposed of, accordingly.

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

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To

- 1.The Deputy Superintendent of Police,
Thuckalay Sub-Division,
Kanyakumari District.
- 2.The Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
- 3.The Special Judge for
SC/ST (Prevention of Atrocities) Act
/ 2nd Additional District and Sessions Judge (PCR Court) Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

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