



CrI.O.P.(MD) No.16851 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.16851 of 2023

1.Pandiyarani

2.Vaithiyanathan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam Taluk,
Theni District.
(Crime No.352/2023)

...1st & 2nd Respondents / Complainants

3.B.Semalatha

...3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for SC/ST(POA) Act, Theni to accept the surrender of the Petitioners in connection with the Cr.No.352 of 2023 on the file of the 2nd



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Respondent Police and to consider the petitioners' bail application on the same day.

For Petitioners :Mr.R.Shankar Ganesh
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 Special Court for SC/ST(POA) Act, Theni, to consider the bail application of the petitioners on the same day on merits in Crime No.352 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 in Crime No.352 of 2023 on the file of the respondent No.2 police, which was registered for the offences under Section 294(b), 323 and 506(i) IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 and 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.352 of 2023 on the file of the respondent No.2 police.



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WEB COPY 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 Special Court for SC/ST(POA) Act, Theni, 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 required to hear both sides on merits and dispose of the same as per law. 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,
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- 2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam Taluk,
Theni District.
- 3.The Judge,
Special Court for SC/ST(POA) Act, Theni
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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