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Crl.O.P.(MD)No.17583 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.17583 of 2023

1. Balaji
2. Karuppasamy @ Karuppaiah
3. Veerakumar @ Viji
4. Sudhakar
5. Manikandan
6. Manimaran ... Petitioners/Accused Nos.3 to 8

Vs.

1. The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.
2. The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.200/2023). ...1st and 2nd Respondents/Complainants
3. Karuppaiah ... 3rd Respondent/Defacto Complainant



PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur to consider the bail application of the petitioners on the same day of surrender in Crime No.200/2023 on the file of the second respondent police.

For Petitioners : Mr. Satish G R

For R1 and R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur to consider the bail application of the petitioners on the same day of surrender in Crime No.200/2023 on the file of the second respondent Police.

2.The petitioners are the accused persons in Crime No.200 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 147, 148, 294(b), 323 r/w. 34 of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



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3.Mr. M.Vaikkam Karunanithi, learned Government Advocate (CrI.Side), accepts notice for the respondents 1 and 2. He would further submit that it is a case and counter case. The petitioners No.1 to 4 are having previous cases at their credit.

4.Considering the facts and circumstances of the case, even though the petitioners No.1 to 4 are having previous cases, considering that it is a case and counter case, this Court is inclined to pass the following orders :-

1)The petitioners shall appear before the learned District and Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur, within a period of 15 days from the date of receipt of a copy of this order.

2)On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.



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5. With the above observation, this Criminal Original Petition is disposed of.

03.10.2023

Index : Yes/No
Internet : Yes/No
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To

1. The Special Court for Trial of SC/ST (POA) Act Cases,
Virudhunagar District at Srivilliputhur.
2. The Deputy Superintendent of Police,
Srivilliputhur Sub Division,
Virudhunagar District.
3. The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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