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Crl.O.P.(MD)No.17712 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2023**

CORAM:

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

Crl.O.P.(MD)No.17712 of 2023

Thangaraj

... Petitioner/1st Accused

Vs.

1.The Deputy Superintendent of Police,
Palani Division,
Dindigul District.

... 1st Respondent/Investigating Officer

2.The Inspector of Police,
Swaminathapuram Police Station,
Dindigul District.
Crime No.137 of 2023.

... 2nd Respondent/Complainant

3.Dhakshinamoorthy

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction, directing the Special Court for Trial of SC/ST Act Cases, Dindigul to consider the petitioner's bail application on the same day of his surrender in respect of Crime No.137 of 2023 on the file of the 2nd respondent, pending investigation.

For petitioner : Mr.D.Venkatesh

For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)



ORDER

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This petition has been filed seeking direction to the learned District and Sessions Judge, Special Court for Trial of SC/ST Act Cases, Dindigul, to accept the surrender of the petitioner in connection with Crime No.137 of 2023 on the file of the 2nd Respondent Police on the same day of filing and to consider the Anticipatory Bail/ Bail petition filed by the petitioner on the same day of filing in accordance with law.

2.The petitioner is the accused persons in Crime No.137 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b) & 323 of IPC and under Sections 3(1)(r), 3(1)(s) & 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl. Side), accepts notice for the respondents 1 and 2. He would further submit that the injured in this case has been discharged from the hospital and the petitioner has no previous case.

4.Considering the facts and circumstances of the case, this Court is inclined to pass the following orders :-



1)The petitioner shall appear before the learned District and Sessions Judge, Special Court for Trial of SC/ST Act Cases, Dindigul, 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 petitioner and pass orders on merits on the same day of his surrender, after hearing the defacto complainant by complying with Section 15A(3) of the Act.

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

05.10.2023

Index : Yes/No
Internet : Yes/No
TM

To

1.The District and Sessions Judge, Special Court for Trial of SC/ST Act Cases, Dindigul.

2.The Deputy Superintendent of Police,
Palani Division,
Dindigul District.

3.The Inspector of Police,
Swaminathapuram Police Station,
Dindigul District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

TM

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