



Crl.O.P.(MD) No.19157 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM:

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

Crl.O.P.(MD)No.19157 of 2023

1.Balaji

2.Vignes

...Petitioners / Petitioners /
Accused Rank not Known

Vs.

1.The Assistant Commissioner of Police,
Junction, Tirunelveli City.

2.State Rep. by its,
The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
(Cr No.668/2023)

... Respondents No.1 and 2 /
Respondents No.1 and 2 / Complainants

3.Arumugam

...3rd Respondent / 3rd Respondent /
Defacto Complainant

4.Mano

...4th Respondent / 4th Respondent /
Victim

1/6



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PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned 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. 668 of 2023, dated 08.09.2023.

For Petitioner :Mr.S.Sathya Chidambaram

For Respondent :Mr.M.Vaikkam Karunanithi
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition is filed to direct the learned 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.668 of 2023, dated 08.09.2023.

2.The petitioners are the accused persons in Crime No.668 of 2023 on the file of the 2nd respondent Police for the offences punishable under Sections 294(b), 324, 506(ii) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the



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Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.Mr.M.Vaikkam Karunanithi, Government Advocate (Crl. Side), accepts notice for the respondents 1 and 2. He would submit that the first petitioner is having two previous cases, among which, one is disposed of, in which he was acquitted and another one is still pending and the second petitioner is having no bad antecedents. Further, he would fairly admitted that when the matter was heard on 21.09.2023 in Crl.O.P(MD) No.16830 of 2023 a wrong representation was made by the respondents No.1 and 2 with regard to antecedents of these petitioners.

4.Considering the facts and circumstances of the case and also considering the bad antecedents, this Court is not inclined to allow this petition in respect of the first petitioner. So far as the second petitioner is concerned, this petition is allowed with the following conditions;

1)The second petitioner shall appear before the Special Court for offence under (SC & ST) POA Amendment Act Cases (PCR Court), at Tirunelveli, within a period



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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.

5.With the above observation, this Criminal Original Petition is partly allowed.

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

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To

- 1.The Special Court for the offence under (SC & ST) POA
Amendment Act Cases (PCR Court), at Tirunelveli.
- 2.The Assistant Commissioner of Police,
Junction, Tirunelveli City.
- 3.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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