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CrI.O.P.(MD)No.17979 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.10.2023**

CORAM:

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

CrI.O.P.(MD)No.17979 of 2023

Jerald Joseph @ Jeraldu

... Petitioner/2nd Accused

Vs.

1. The Deputy Superintendent of Police,
Kottaiappattinam Sub Division,
Pudukkottai District.

2. The Inspector of Police,
Thiruppunavasal Police Station,
Pudukkottai District.
Crime No. 55/2022.

...Respondents 1 & 2/Complainants

3. Tamilselvan

... 3rd Respondent/Defacto
Complainant

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 Pudukkottai to accept the surrender of the petitioner and consider their bail application on the same day on merit relating to Crime No. 55 of 2022, dated 25.10.2022.

For Petitioners : Mr.Sathya Chidambaram S

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



ORDER

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This petition has been filed to direct the learned Special Court for Offence under SC/ST (POA) Amendment Act cases (PCR court) at Pudukkottai to accept the surrender of the petitioner and consider their bail application on the same day on merit relating to Crime No. 55 of 2022, dated 25.10.2022.

2.The petitioner is the accused persons in Crime No.55 of 2022 on the file of the 2nd respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC and Section 3(1)(r) and 3(2)(Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.M.Vaikkam Karunanithi, the learned Government Advocate (CrI.Side), accepts notice for the respondents 1 and 2. He would submit that there is no previous case pending against the petitioner and no injury in this case. It is a case and counter case.

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



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1)The petitioner shall appear before the learned Special Court for Offence under SC/ST (POA) Amendment Act cases (PCR court) at Pudukkottai, 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 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 disposed of.

09.10.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

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G.ILANGOVAN. J.

Indu

To

- 1.The Special Court for Offence under SC/ST (POA) Amendment Act cases (PCR court) at Pudukkottai.
- 2.The Deputy Superintendent of Police,
Kottaipattinam Sub Division,
Pudukkottai District.
3. The Inspector of Police,
Thiruppunavasal Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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09.10.2023