



Crl.O.P.(MD).No.18773 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.18773 of 2023

M.Santhakumar

... Petitioner

Vs.

**1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.**

**2.The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime No.209 of 2023)**

3.Saivarasu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to accept the surrender of the petitioner before the Special Court for SC/ST (POA) Act i.e., Ist Addl. District and Sessions Judge at Thanjavur, in connection with the Crime No.209/2023 on the file of the second respondent police and to consider the bail application.



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For Petitioners : Mr. K.M.Karunakaran
For R1 and R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the learned Judge, Special Court for SC/ST (POA) Act i.e., Ist Addl. District and Sessions Court at Thanjavur, to consider the bail application of the petitioners on the same day of his surrender before that Court in connection with Crime No.209 of 2023 on the file of the second respondent.

2.The petitioner is the sole accused in Crime No.209 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 294(b), 323, 355 of IPC r/w Section 3(1)(s), 3(1)(r), 3(2)(va) of SC / ST (Prevention of Atrocities) Act, 1989.

3.Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl. side), accepts notice for the respondents 1 and 2. A counter case in Crime No.111 of 2023 was registered between the petitioner and the other parties. Except this case and counter case, no other case is pending against the petitioner.



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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 Judge, Special Court for SC/ST (POA) Act i.e., Ist Addl. District and Sessions Court at Thanjavur, 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.

09.11.2023

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

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G.ILANGOVAN, J.

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To

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vallam Sub Division,
Thanjavur District.
- 2.The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime No.209 of 2023)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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