



Crl.O.P.(MD) No.18953 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.18953 of 2023

1.Rama Moorthy

2.Ganapathy

...Petitioners / Accused Nos.1 & 2

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.

...1st Respondent / Investigation Officer

2.The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(In Crime No.102 of 2023)

...2nd Respondent / Complainant

3.Palani Murugan

...3rd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an Order of Direction, to direct the Learned Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi to consider the bail application of the petitioners in connection with the FIR in Crime No.102 of 2023 on the file of the 2nd respondent Police on the very same day of the surrender of the petitioners and to



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enlarge the petitioners on bail on the very same day itself by allowing the petitioners' bail application.

For Petitioner :Mr.M.S.Jeyakarthik

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

ORDER

This petition has been filed to direct the learned Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi, to accept the surrender of the petitioners and consider the bail application on the date of their surrender in connection with Crime No.102 of 2023 on the file of the 2nd respondent Police.

2.The petitioners are the accused persons in Crime No.102 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl. side), accepts notice for the respondents 1 and 2. He would further submitted that it is a



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family dispute. No one is injured in this case. There is no previous case against the petitioners.

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

- 1)The petitioners shall appear before the learned Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi, 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.

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

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

- 1.The Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi.
- 2.The Deputy Superintendent of Police, Srivaikundam, Thoothukudi District.
- 3.The Inspector of Police, Kurumbur Police Station, Thoothukudi District.
(In Crime No.102 of 2023)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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