



CrI.O.P.(MD)No.19972 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.11.2023**

CORAM:

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

CrI.O.P.(MD)No.19972 of 2023

Shanmugam

... Petitioner/Accused No.19

Vs.

1.State represented by
The Deputy Superintendent of Police,
Srivaikundam,
Tuticorin District.

2.The Inspector of Police,
Seidunganallur police station,
Tuticorin District,
(Crime No.104 of 2023).

3. Mundasamy

4. Mariappan

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Special Court for trial of cases under SC/ST(POA) Act, Thoothukudi, to consider the bail application of the petitioner in connection with the FIR in Crime No.104 of 2023, on the file of the second respondent police on the very same day of the surrender of the petitioner and to enlarge the petitioner on bail on the very same day itself by allowing the petitioner's bail application.



For Petitioner : Mr.S.Jeyakarthik
For Respondents : Mr.M.Vaikkam Karunanithi for R1 & R2
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 consider the bail application of the petitioners on the same day of his surrender before that Court in connection with Crime No.104 of 2023 on the file of the second respondent.

2. The petitioner is the accused No.19 in Crime No.104 of 2023 on the file of the 2nd respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC and under Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste 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 no previous case is pending against the petitioner and a counter case is also filed against the defacto complainant.



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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 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 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.

08.11.2023

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

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G.ILANGO VAN. J.

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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,
Tuticorin District.
- 3.The Inspector of Police, Seidunganallur police station,
Tuticorin District, (Crime No.104 of 2023).
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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