



Crl.O.P.(MD).No.21409 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:28.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21409 of 2023

S.Vadivel Thevar

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Srivaikundam Sub-Division,
Srivaikundam,
Thoothukudi District.

2. The Inspector of Police,
Kurumbur Police Station,
Kurumbur, Thoothukudi District.
(Crime No.106 of 2023)

3.Alaguraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the learned Sessions Judge, Special Court for SC/ST (POA) Act,Thoothukudi to consider the bail application of the petitioner on the same day of his surrender in Crime NO.106 of 2023 on the file of the 1st and 2nd Respondents Police.

For Petitioner : Mr.N.Pragalathan

For R1 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)



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ORDER

This Criminal Original Petition is filed to direct the learned Sessions Judge, Special Court for SC/ST (POA) Act, Thoothukudi, to consider the bail application of the petitioner on the same day of his surrender in Crime No.106 of 2023 on the file of the 1st and 2nd Respondents Police.

2.The petitioner is the accused persons in Crime No.106 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b) & 324, 307, 506(ii) of IPC and Section 3(1)(r), 3(1)(s), 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 submit that the petitioner's earlier petition was dismissed on the ground that the injured in this case has not been discharged from the hospital. On 12.11.2023, the injured was discharged from the hospital.



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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 Sessions Judge, Special Court for 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.

28.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.ILANGO VAN, J.

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To

- 1.The Sessions Judge, Special Court for SC/ST (POA) Act, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Srivaikundam Sub-Division, Srivaikundam, Thoothukudi District.
3. The Inspector of Police, Kurumbur Police Station,
Kurumbur , Thoothukudi District. (Crime No.106 of 2023)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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