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CrI.O.P.(MD)No.20500 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.11.2023**

CORAM:

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

CrI.O.P.(MD)No.20500 of 2023

Irulayee

... Petitioner/2nd Accused

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manamadurai – 630 606. ... 1st Respondent/Investigating Officer

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.326 of 2023. ... 2nd Respondent/Complainant

3.Sarathkumar ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order of direction to consider the bail application of the petitioner on merits in accordance with law on the same day in connection with Crime No.326 of 2023, dated 10.08.2023, n the file of the respondents police station by the Special Court for Exclusive Trial of cases under Section SC/ST (POA) Act, 1989, at Sivagangai, within a stipulated time that may be fixed by this Court.

For petitioner : Mr.R.Senthilkumar



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

ORDER

This petition has been filed seeking direction to the learned District and Sessions Judge, Special Court for Exclusive Trial of cases under Section SC/ST (POA) Act, 1989, Sivagangai, to accept the surrender of the petitioner in connection with Crime No.326 of 2023 on the file of the 2nd Respondent Police on the same day of filing and to consider the Anticipatory Bail/ Bail petition filed by the petitioner on the same day of filing in accordance with law.

2.The petitioner is the accused persons in Crime No.326 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b), 341 and 506(i) of IPC and under Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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 has no previous case and there is no injury in this case.



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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 District and Sessions Judge, Special Court for Exclusive Trial of cases under Section SC/ST (POA) Act, 1989, Sivagangai, 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.

16.11.2023

Index : Yes/No

Internet : Yes/No

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To

1. The District and Sessions Judge, Special Court for Exclusive Trial of cases under Section SC/ST (POA) Act, 1989, Sivagangai.



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2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Manamadurai – 630 606.

3.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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