



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2023

CORAM:

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

Crl.O.P.(MD)No.20571 of 2023

Elangamani ... Petitioner/16th Accused

Vs.

1.The State, Represented by its,
The Deputy Superintendent of Police,
Srivaikundam,
Tuticorin District ... 1st Respondent/Investigating Officer

2.The Inspector of Police,
Seidunganallur Police Station,
Tuticorin District
Crime No.723 of 2023. ... 2nd Respondent/Complainant

3.Munda Samy ... 3rd Respondent/Defacto Complainant

4.Mariappan ... 4th Respondent/Another Victim

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order of direction to direct the Learned Spl. 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. 104/2023 on the file of the R2 police.

For petitioner : Mr.S.Jeyakarthik



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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 trial of cases under SC/ST(POA)Act, Thoothukudi, to accept the surrender of the petitioner in connection with Crime No.104 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.104 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 147, 148, 341, 294(b), 323, 324, 307 & 506(ii) of IPC and Sections 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 has no previous case and there is case in counter 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 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.

16.11.2023

Index : Yes/No
Internet : Yes/No
TM

To

1.The District and Sessions Judge, Special Court for trial of cases under SC/ST(POA)Act, Thoothukudi.



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2.The Deputy Superintendent of Police,
Srivaikundam,
Tuticorin District

3.The Inspector of Police,
Seidunganallur Police Station,
Tuticorin District

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



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G.ILANGO VAN. J.

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