



Crl.O.P.(MD).No.21584 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:30.11.2023

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21584 of 2023

Balu Mahendran

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.

2.The Inspector of Police,
Surandai Police Station,
Tenkasi District.
In Crime No 116 of 2023.

3.Mani

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to direct the Learned Special Court for Trial of Cases Registered Under SC/ST(POA) Act 1989 Tirunelveli to accept the surrender of the petitioner and consider his bail application on the same day in Cr.No.116/2023 pending on the file of the second respondent.

For Petitioner : Mr.K.R.Bharathi Kannan

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



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ORDER

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This Criminal Original Petition is filed to direct the Learned Special Court for Trial of Cases Registered Under SC/ST(POA) Act 1989 Tirunelveli, to accept the surrender of the petitioner and consider his bail application on the same day in Cr.No.116/2023 pending on the file of the second respondent.

2. The petitioner is the accused persons in Crime No.116 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 147, 294(b), 342, 323, 324, 307, 427, 506(ii), 379 of IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (Prevention of Atrocities Act), 1989.

3. Learned counsel for the petitioner submitted that the petition filed by the co-accused in this case, was already considered by order dated 28.07.2023 in Crl.O.P(MD)No.13487 of 2023.



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4.Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl. Side), accepts notice for the respondents 1 and 2. He would further submit that the injured in this case has been discharged from the hospital and no previous case is pending against the petitioner.

5.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 Judge, Special Court for Trial of Cases registered Under SC/ST(POA) Act 1989 Tirunelveli, 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. The trial Court shall taken into consider the previous antecedents of the petitioner while passing orders on merits.



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

30.11.2023

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

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To

- 1.The Judge, Special Court for Trial of Cases
Registered Under SC/ST(POA) Act 1989, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.
- 3.The Inspector of Police,
Surandai Police Station,
Tenkasi District.
In Crime No 116 of 2023.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

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