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CrI.O.P.(MD)No.22443 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2023**

CORAM:

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

CrI.O.P.(MD)No.22443 of 2023

Velmurugan

... Petitioner/Accused No.4

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

... 1st Respondent/Complainant

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime NO.440 of 2023

... 2nd Respondent/2nd Respondent

3.Sathishkumar

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court Trial of Cases under SC-ST(POA) Act Cases, Theni, to consider the surrender and bail application filed by the petitioner in Crime No.440/2023 pending investigation on the file of the respondent police on the same day.

For petitioner : Mr.J.Karthikeyan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor



ORDER

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This petition has been filed seeking direction to the learned District and Sessions Judge, Special Court Trial of Cases under SC-ST(POA) Act Cases, Theni, to accept the surrender of the petitioner in connection with Crime No.440 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.440 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b), 323, 324, 506(ii) of IPC and under Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3.Mr.R.M.Anbunithi, learned Additional Public Prosecutor, accepts notice for the respondents 1 and 2. He would further submit that this petitioner is A4, who is having no previous case.

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 Trial of Cases under SC-ST(POA) Act Cases, Theni, 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.

13.12.2023

Index : Yes/No
Internet : Yes/No
TM

To

1.The District and Sessions Judge, Special Court Trial of Cases under SC-ST(POA) Act Cases, Theni.

2.The Deputy Superintendent of Police,
Pudukkottai Police Station Division, Pudukkottai.

2.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
(Crime No.440 of 2023)



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



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G.ILANGOVAN. J.

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