



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

CrI.O.P.(MD)No.22805 of 2023

Balamurugan

... Petitioner/1st Accused

Vs.

State Rep. by its:-

1.The Deputy Superintendent of Police,

Aundipatti,

Theni District.

... 1st Respondent/Investigating Officer

2.The Inspector of Police,

Aundipatti Police Station,

Theni District.

Crime No.389 of 2023.

... 2nd Respondent/Complainant

3.Deepa

... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the Special Court for the Exclusive Trial of SC and ST Cases, Theni, to consider the bail application on their surrender on the same day, if any petition filed by the petitioner in Crime No.389/2023 on the file of 2nd respondent.

For petitioner : Mr.C.Susi Kumar

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 for the Exclusive Trial of SC and ST Cases, Theni, to accept the surrender of the petitioner in connection with Crime No.389 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.389 of 2023 on the file of the 2nd respondent police for the offences punishable under Section 294(b) & 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 the injured in this case has been discharged from the hospital and the petitioner has 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 for the Exclusive Trial of SC and ST 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.

18.12.2023

Index : Yes/No

Internet : Yes/No

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To

1.The District and Sessions Judge, Special Court for the Exclusive Trial of SC and ST Cases, Theni.

2.The Deputy Superintendent of Police,
Aundipatti,
Theni District.



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3.The Inspector of Police,
Aundipatti Police Station,
Theni District.

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



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G.ILANGOVAN. J.

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