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CRL.O.P No.1548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1548 of 2024

1.Marlena Ann
W/o.Anto Mathivanan

2.Anto Mathivanan
S/o.Karunanithi

...Petitioners

Vs.

1.State represented by
The Assistant Commissioner of Police,
Thiruvanmiyur, Chennai.

2.State represented by
The Inspector of Police,
Thiruvanmiyur Police Station,
Chennai.

Crime No.15 of 2024

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the Principal District and Sessions Judge, Chennai (Special Judge for SC/ST Act cases) to consider the petitioners' bail application to be filed on the same day on their surrender in Crime No.15 of 2024 pending investigation on the file of second respondent.

For Petitioners : Mr.A.P.Sathyamurthy

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This petition has been filed seeking a direction to the learned Principal District and Sessions Judge, Chennai (Special Judge for SC/ST cases), to consider the bail application of the petitioners on the same day in the event of their surrender in connection with Crime No.15 of 2024 on the file of the second respondent police.

2. In view of the amendments made in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity hereinafter referred to as the Act), this Court is of the view that usual directions that were issued by this Court cannot be issued routinely in all cases. Therefore, the petitioners are directed to appear in-person before the Special Court within a period of two weeks from the date of receipt of a copy of this order. The Special Court shall order reasonable, accurate and timely notice as mandated under Sec. 15 A (3) of the Act to the victim or his / her dependent by RPAD / through the respondent police and on such service of notice, the learned Special Judge shall deal with the matter as expeditiously as possible on merits and in accordance with law, after hearing the victim or his / her dependent either in person or through



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counsel / legal aid counsel as mandated under Sec 15A (5) of the Act, in compliance with *Hariram Bhambhi vs Satyanarayan*, reported in *2021 SCC Online SC 1010*.

3. This Criminal Original Petition is disposed of with the above direction.

24.01.2024

Note: Issue today [24.01.2024]

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

gm

To

1. The Principal District and Sessions Judge,
Chennai. (Special Judge for SC/ST cases).

2. The Assistant Commissioner of Police,
Thiruvanmiyur, Chennai.

3. The Inspector of Police,
Thiruvanmiyur Police Station,
Chennai.
Crime No.15 of 2024

4. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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