



Crl.O.P.No.11954 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11954 of 2024

1.Ragupathi

2.Arun R

3.Prabakaran

4.S.Thavaseelan

5.Palanivel A

...Petitioners/Accused Nos.1 to 4 & 6

Vs.

1.The Deputy Superintendent of Police,
Ariyalur District.

2.The State Rep. by
The Inspector of Police,
Meensurutty Police Station,
Ariyalur District.
Crime No.97 of 2024

...Respondents/Complainant

3.Selvakumar

...Respondents/defacto complainant

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to direct the learned Principle District and Sessions Court, Ariyalur (Special Court for SC/ST Act Cases, Ariyalur District) to consider the bail application of the petitioners on the same day of their surrender in connection with



Crl.O.P.No.11954 of 2024

Crime No.97 of 2024 on the file of the second respondent.

For Petitioners : Ms.P.J.Anitha

For respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/Accused Nos.1 to 4 & 6 on 13.04.2024 under Section 482 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to direct the learned Principle District and Sessions Court, Ariyalur (Special Court for SC/ST Act Cases, Ariyalur District) to consider the bail application of the petitioners on the same day of their surrender in connection with Crime No.97 of 2024 on the file of the second respondent for the offence punishable under Sections 147 and 323 of IPC r/w Section 3(1) (r), 3(1)(s) and 3(2)(Va) of SC/ST Prevention of Atrocities Act, 1989.

2.The case of the prosecution is that on 19.04.2024, the defacto complainant went to caste his vote in the parliamentary election in his town. While so, the petitioners, due to political enmity, abused and assaulted the *defacto* complainant. Hence, the case.



Crl.O.P.No.11954 of 2024

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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. Accordingly, he prayed to allow this Criminal Original Petition.

4.The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the investigation is going on. Accordingly, he prayed to dismiss this petition.

5.In view of the amendments made in SC and ST (POA) Act, 1989, this Court is of the view that the directions that would usually be issued by this Court cannot be issued routinely in all cases. Considering the facts and circumstances of the case, this Court is inclined to pass the following orders:

(i) The petitioners shall surrender before the learned Principal District and Sessions Court, Ariyalur (Special Court for SC/ST Act Cases, Ariyalur District), within a period of fifteen (15) days from today; and



Crl.O.P.No.11954 of 2024

(ii) On such surrender along with notice served to the defacto complainant, the concerned Judge shall consider the bail application filed by the petitioners and pass orders on merits on the same day of their surrender, after hearing the defacto complainant in compliance with Section 15A(3) of the SC and ST (POA) Act, 1989.

6. Accordingly, this Criminal Original Petition is allowed with directions stated supra.

15.05.2024

Anu

Note:

1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



Crl.O.P.No.11954 of 2024

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To

1.The Deputy Superintendent of Police,
Ariyalur District.

2.The Inspector of Police,
Meensurutty Police Station,
Ariyalur District.

3.The Principle District and Sessions Court,
Ariyalur (Special Court for SC/ST Act Cases, Ariyalur District)

4.The Public Prosecutor,
High Court of Madras

R.SAKTHIVEL, J.



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Crl.O.P.No.11954 of 2024

Anu

Crl.O.P.No.11954 of 2024

15.05.2024