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CRL.O.P No.25080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2024

CORAM

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

CRL.O.P No.25080 of 2024

1. Elangovan
S/o.Kasinathan

2. Rajgowtham
S/o.Ramachandran

...Petitioners/A3&A4

Vs.

1. The Superintendent of Police
Ariyalur District
Ariyalur

2. The State Rep. by
Inspector of Police
Jayamkondam Police Station
Ariyalur
(Crime No.328 of 2024)

...Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, praying to direct the Principal District and Sessions Judge (SC/ST Court) at Ariyalur to accept surrender and consider the bail application of the petitioners on the same day in Crime No.328 of 2024 on the file of 2nd respondent.

For Petitioners : Mr.K.Rahul

For Respondents : Mr.L.Baskaran



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Government Advocate (Crl.side)

ORDER

This petition has been filed seeking a direction to the learned Principal District and Sessions Judge, (SC/ST Court) at Ariyalur, to consider the bail application of the petitioners on the same day in the event of their surrender in connection with Crime No.238 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 Principal District and Sessions Judge, (SC/ST Court) at Ariyalur within a period of two weeks from the date of receipt of a copy of this order. The Principal District and Sessions Judge, (SC/ST Court) at Ariyalur 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 Principal District and Sessions Judge, (SC/ST Court) at Ariyalur



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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 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.

09.10.2024

Note: Issue today [09.10.2024]

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

gpa

To

1. The Principal District and Sessions Judge,
(SC/ST Court), Ariyalur

2. The Superintendent of Police
Ariyalur District
Ariyalur

3. The State Rep. by
Inspector of Police
Jayamkondam Police Station
Ariyalur

4. The Public Prosecutor,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J

gpa

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