



Crl.O.P.(MD) No.816 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.816 of 2024

Rakesh

... Petitioner

Vs

1. The Deputy Superintendent Of Police,
Dindigul Sub Division, Dindigul District.

2. The Inspector of Police,
All Women Police Station, Vadamadurai,
Dindigul District. Cr.No.17/2023.

3. Swathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Special Court for POCSO Cases, Dindigul to consider the petitioner's bail in the event of arrest on the same day in FIR in Cr.No.17 of 2023 on the file of the R2 police for the alleged offences under section 323,312,406,506(2) of IPC Section 4 of TNPHW Act, 2002 and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 @ 313,323, 379 (NP), 506(i) of IPC and Sections 3(1)(s), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 and 5(1) r/w 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

For Petitioner : Mr.A. Arul Jennifer

For Respondents : Mr.P.Kottaisamy

Government Advocate (Crl.Side)



Crl.O.P.(MD) No.816 of 2024

ORDER

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The petitioner is an accused in Crime No.17 of 2023 on the file of the respondent police. The said case was registered for the offence under Section 323,312,406 and 506(2) of IPC, Section 4 of TNPHW Act, 2002 and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 @ 313,323, 379 (NP), 506(i) of IPC and Sections 3(1)(s), 3(2)(va), 3(1)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 and r(1) r/w 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act.

2. Section 18 of the SC/ST (POA) Act prohibits grant of anticipatory bail in the cases registered under the SC/ST (POA) Act. The petitioner claims that this case is a foisted one and he will prove his innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioner seeks a direction for disposal of the bail application on the same day.



Crl.O.P.(MD) No.816 of 2024

3.This Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail application filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioner prays for similar directions.

4.Considering the facts and circumstances of the case and that the petitioner is the relative of A4, the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioner to surrender within a period of **two weeks** from today before ***Special Court for Exclusive Trial of cases under SC/ST (POA) Act, Dindigul***, which in turn is directed to entertain the bail application if any filed by this petitioner on the same of day. The Public Prosecutors are expected to be available in the Courts and the Public Prosecutors can very well get instructions with the available scientific modes. The bail application in any event shall be disposed on merits on the same day.

5.This Criminal Original Petition is disposed of accordingly.

17.04.2024

NCC : Yes/No
Internet:Yes/No

3/5



Crl.O.P.(MD) No.816 of 2024

Index: Yes/No

PNM

To

1. The Special Court for Exclusive Trial of cases under SC/ST (POA) Act,
Dindigul

2. The Deputy Superintendent Of Police,
Dindigul Sub Division, Dindigul District.

3. The Inspector of Police,
All Women Police Station, Vadamadurai,
Dindigul District. Cr.No.17/2023.

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



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Crl.O.P.(MD) No.816 of 2024

B.PUGALENDHI, J.

PNM

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