



Crl.O.P.(MD).No.1241 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.1241 of 2024

1.K.Malathi

2.Iyyappan

... Petitioners/Accused No.1 & 3

Vs.

1.The Deputy Superintendent of Police,
Vallam Sub-Division,
Vallam,
Thanjavur District.

2.The Inspector of Police,
Vallam Police Station,
Vallam,
Thanjavur District.
(Crime No.22 of 2024)

...Respondents 1 & 2/Complainants

3.A.M.R.Vignesh Kumar

...3rd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Sessions Judge, Special Court for SC/ST (POA) Act / 1st Additional District Court (PCR), Thanjavur to consider the bail application of the Petitioners on the same day of their surrender in Crime No.22 of 2024 on the file of the first and second Respondent police.



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For Petitioner : Mr.N.Pragalathan

For R-1 and R-2 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition had been filed seeking direction against the learned Sessions Judge, Special Court for SC/ST (POA) Act / 1st Additional District Court (PCR), Thanjavur to consider bail application of the Petitioners on the day of their surrender in Crime No.22 of 2024.

2. The learned Counsel for the Petitioner submitted that the mother of the De-facto complainant had purchased the land from the first Petitioner and revenue records were also mutated in the name of the mother of the De-facto complainant. When the third respondent along with the officials went to survey the land, the petitioners abused him using his caste name. In this regard, the third respondent preferred a complaint and the case was registered in Crime No. 22 of 2024 for the offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Castes and the Scheduled Tribes (Prevention of Attrocities) Amendment Act, 2015. Hence, the Petitioner seek seeking direction against the learned Sessions Judge, Special Court for SC/ST (POA) Act / 1st Additional District Court (PCR), Thanjavur to consider their bail application on the day of their surrender.



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3. The learned Government Advocate (Criminal Side) would submit that the Petitioners were arrayed as Accused No.1 and 3. The petitioners are alleged to have abused the De-facto complainant by attracting the provisions of Schedule Castes and the Scheduled Tribes (Prevention of Attrocities) Amendment Act, 2015. He further submitted that the petitioners have one previous case in Crime No.452 of 2023 with the Respondent Police.

4. Considering the submissions made by the learned Government Advocate (Criminal Side) and the learned Counsel for the petitioner, this Court directs the Petitioners to surrender before the learned Sessions Judge, Special Court for SC/ST (POA) Act / 1st Additional District Court (PCR), Thanjavur, within 15 days from the date of receipt of a copy of this order or from the date of uploading the copy of this order in the official web-site of this Court.

5. On such surrender by the Petitioners and on filing an application for bail, the learned Sessions Judge, Special Court for SC/ST (POA) Act / 1st Additional District Court (PCR), Thanjavur, shall consider the bail application of the Petitioners and dispose of the same, after issuing notice to the victim of crime / De-facto complainant and after hearing their objections of the victim of the crime, pass appropriate orders as per law.



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6. With the above said direction, this Criminal Original Petition is disposed of.

30.01.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Special Court for Trial of Cases under SC/ST (POA) Act/
First Additional District Court (PCR),
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Vallam Sub-Division,
Vallam,
Thanjavur District.
- 3.The Inspector of Police,
Vallam Police Station,
Vallam,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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