



Crl.O.P.(MD).No.2073 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Vetri @ Vetrivel @ Vetrivelmurugan

... Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Thiruchuli Division,
Thiruchuli,
Virudhunagar District.

2.The Inspector of Police,
Thiruchuli Police Station,
Thiruchuli,
Virudhunagar District.

...Respondents 1 & 2/Complainants

3.Jayapalan

...3rd Respondent/De-facto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the learned Special Court for exclusive trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur to consider the bail application to be filed by the Petitioner on the very same day in Crime No.31 of 2024 on the file of the second Respondent Police.

For Petitioner : Mr.B.Muneeswaran

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



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ORDER

This Criminal Original Petition had been filed seeking direction against the learned Special Court for exclusive trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur, to consider bail application of the Petitioner on the day of his surrender in Crime No.31 of 2024.

2. The learned Counsel for the Petitioner submitted that the alleged incident took place on 30.01.2024, when the De-facto Complainant working in his agriculture field. At that time, there was a dispute between the Petitioner and the De-facto Complainant regarding missing of banana in the De-facto Complainant banana tree. In this regard, a complaint was preferred by the third respondent against the petitioner, based on which the case was registered in Crime No.31 of 2024 dated 30.01.2024 for the offences punishable under Sections 294(b), 323, 506(2) of IPC, 3(1)(r) , 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, the Petitioner is seeking direction against the learned Sessions Judge, Special Court for exclusive trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur, to consider his bail application on the day of his surrender.



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3. The learned Government Advocate (Criminal Side) appearing for the Respondents 1 and 2 would submit that the Petitioner is alleged to have attacked the De-facto complainant with bare hands causing simple injuries, based on which the case was registered against the Petitioner by the second Respondent. He further submitted that the petitioner is alleged to have abused the De-facto complainant which attracts the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. Considering the submissions made by the learned Government Advocate (Criminal Side) and the learned Counsel for the Petitioner, this Court directs the Petitioner to surrender before the learned Sessions Judge, Special Court for exclusive trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur 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 Petitioner and on filing an application for bail, the learned Sessions Judge, Special Court for exclusive trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur, shall consider the bail application of the Petitioner, after issuing notice to the victim of crime / De-facto complainant and after hearing the objections of the victim of the crime,



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and shall pass appropriate orders as per law.

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

12.02.2024

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

Note: Issue Order Copy on 13.02.2024

To

- 1.The Special Court for exclusive trial of SC/ST (POA) Act cases,
Virudhunagar District @ Srivilliputhur.
- 2.The Deputy Superintendent of Police,
Thiruchuli Division,
Thiruchuli,
Virudhunagar District.
- 3.The Inspector of Police,
Thiruchuli Police Station,
Thiruchuli,
Virudhunagar 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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