



CrI.O.P.(MD) No.2884 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.2884 of 2024

M.Chinnadurai

...Petitioner

VS

**1.The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Tiruchendur,
Thoothukudi District.**

**2.The Inspector of Police,
Tiruchendur Temple Police Station,
Tiruchendur,
Thoothukudi District.
Crime No.79 of 2023**

3.Ananthakumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Thoothukudi to consider the bail application of the Petitioner on the same day of his surrender in Crime No.79 of 2023 on the file of the Respondents 1 and 2 Police.



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For Petitioner : Mr.R.Pragalathan
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Criminal Original Petition seeking direction against the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Thoothukudi to consider the Petitioner's bail application on the same day of surrender in Crime No.79 of 2023 on the file of the 2nd Respondent.

2.The learned Government Advocate (Crl.side), on instruction of the Respondents 1 and 2, would submit that the Petitioner's mother is alleged to have executed the mortgage deed in favour of the third Respondent. Subsequently, the Petitioner on impersonation cancelled the said mortgage deed. When the third Respondent came to know about it, he questioned it. The Petitioner is alleged to have abused the third Respondent in filthy language by using his caste name. Therefore, the third Respondent as *defacto* Complainant gave a complaint to the second Respondent, based on which the second Respondent had registered a case in Crime No.79 of 2023 for the offences under Sections 294(b), 323, 417, 419, 420, 463, 467, 468



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and 120B IPC and Section 3(1)(r) and 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. He would further submit that the Petitioner is having no previous case.

3.Considering the submissions made by the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side), this Criminal Original Petition is disposed of with the following conditions:-

i) The Petitioner is directed to surrender before the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Thoothukudi, 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.

ii) On such surrender by the Petitioner, the learned Sessions Judge, Special Court for SC/ST (PoA) Act, Thoothukudi, shall consider the bail application of the Petitioner after issuing notice to the victim of crime/complainant and hearing the objections of the victim of the crime and shall dispose off the bail application as per law.

Internet:Yes./No
Index:Yes/No
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- 1.The Sessions Judge,
Special Court for SC/ST (PoA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Tiruchendur,
Thoothukudi District.
- 3.The Inspector of Police,
Tiruchendur Temple Police Station,
Tiruchendur,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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