



Crl.O.P.(MD).No.2979 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Arif Raja

... Petitioner/Accused Rank not known

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Periyakulam Police Station,
Theni District.
(In Crime No.321 of 2023)

...Respondents 1 & 2/Complainants

3.Sasikumar

...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 trial of cases under SC/ST (POA) Act, Theni to consider the bail application of the Petitioner on the very same day on merits in Crime No.321 of 2023 on the file of the second Respondent Police.

For Petitioner : Mr.S.Prabha

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



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ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this Criminal Original Petition had been filed seeking direction against the learned Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, Theni District, to consider bail application of the Petitioner on the day of his surrender in Crime No.321 of 2023.

2. The learned Counsel for the Petitioner further submitted that as per the contents of FIR, the de-facto Complainant is alleged to have been attacked by two persons in which the name of the Petitioner is not mentioned. Already the Accsed No.1 in this case was granted bail. Initially, the case was registered under the provisions of IPC, but subsequently, the offences under SC/ST (POA) Act was added by way of alteration report.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that the Petitioner is alleged to have attacked the de-facto complainant on his head and the de-facto Complainant was admitted in the hospital for two days as in-patient. He would also submit that no previous case had been registered against the Petitioner.



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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 cases under SC/ST (POA) Act, Theni District, 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 cases under SC/ST (POA) Act, Theni District, 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, and shall pass appropriate orders as per law.

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

27.02.2024

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



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- 1.The Special Court for exclusive trial of SC/ST (POA) Act cases,
Theni.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.
- 3.The Inspector of Police,
Periyakulam Police Station,
Theni 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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