



CRL OP(MD). No.4124 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.4124 of 2024

1.Murugesan

2.Thirupathi @ Thiruppathi Selvam

Petitioners/Accused Nos.3 & 4

Vs

1.The Deputy Superintendent of Police,
Puliyankudi Division,
Tenkasi District.

1st Respondent/Investigating Officer

2.The Inspector of Police,
Senthamaram Police Station,
Tenkasi District.
Crime No.95 of 2024

2nd Respondent/Complainant

3.Nagaraj

3rd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli to consider their bail application on the same day for their surrender in respect of Crime No.95 of 2024 on the file of the second respondent, pending investigation.



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For Petitioners
For R-1 & R-2

: Mr.D.Venkatesh
: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioners are the an accused in Crime No.95 of 2024 on the file of the second respondent police. The said case was registered for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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 petitioners claim that this case is a foisted one and they will prove their innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioners are inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioners seek a direction for disposal of the bail application on the same day.

3.This Court in similar circumstances had issued directions to the Courts concerned where FIR is pending, to consider the bail



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application filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioners pray for similar directions.

4.Considering the facts and circumstances, the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioners to surrender within a period of two weeks from today before the learned II Additional District and Sessions Judge (Special Court for PCR Cases), Tirunelveli and the learned II Additional District and Sessions Judge, is directed to entertain the bail application if any filed by this petitioners on the same day. The Public Prosecutor concerned is expected to be available in the Courts and the Public Prosecutor 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.

05.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
sjj



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B.PUGALENDHI,J

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To

- 1.The II Additional District and Sessions Judge,
(Special Court for PCR Cases), Tirunelveli.
- 2.The Deputy Superintendent of Police,
Puliyankudi Division,
Tenkasi District.
- 3.The Inspector of Police,
Senthamaram Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.4124 of 2024

05.04.2024