



CrI.O.P.(MD) No.5845 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.5845 of 2024

S.Maheswari

... Petitioner

Vs

1. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.

2. The Assistant Commissioner Of Police,
Tirunelveli City Police,
Tirunelveli District.

3. Ganesan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Additional District Judge (Special Court for PCR cases), Tirunelveli to consider the bail application of the petitioner and pass orders thereon on the same day of her surrender in Crime No.98 of 2024 pending investigation.

For Petitioner : Mr. P.Subbiah

For Respondents : Mr. P.Kottai Chamy

Government Advocate (CrI.Side)



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ORDER

The petitioner is an accused in Crime No.98 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 294(b), 323, 506(ii) IPC, Section 4 of TNPHW Act r/w Sections 3(1)(r), 3(1)(s), 3(1)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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 petitioner claims that this case is a foisted one and he will prove his innocence. In view of the bar under Section 18 of the SC/ST (POA) Act, the petitioner is inclined to surrender before the Special Court concerned and to seek regular bail. However, the petitioner seeks 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 application filed on the same day of their surrender and therefore, by relying upon the



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similar orders, the petitioner prays for similar directions.

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4.Considering the facts that it is a case and case in counter, nature of simple injuries sustained by the defacto complainant and the similar such orders passed by this Court, this petition is disposed of with a direction to the petitioner to surrender within a period of ***two weeks*** from today before learned ***Additional District Judge (Special Court for PCR cases), Tirunelveli***, which in turn is directed to entertain the bail application if any filed by this petitioner on the same of day. The Public Prosecutors are expected to be available in the Courts and the Public Prosecutors 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.

5.This Criminal Original Petition is disposed of accordingly.

17.04.2024

NCC : Yes/No
Internet:Yes/No
Index:Yes/No
PNM

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To

1. The Additional District Judge (Special Court for PCR cases),
Tirunelveli

2. The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli City.

3. The Assistant Commissioner Of Police,
Tirunelveli City Police,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

PNM

ORDER IN
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