



CRL OP(MD)No.5203 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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- 1.Mareeswaran
- 2.Rasu
- 3.Ramar
- 4.Balamurugan
- 5.Thandeeswaran
- 6.Mariselvam (In FIR wrongly mentioned as Mari)

... Petitioners

Vs

- 1.The Deputy Superintendent of Police (DSP),
Thirumangalam Sub Division,
Madurai District.
- 2.The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.44 of 2024)

- 3.Madurai Veeran

... Respondents



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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct III Additional District and Sessions Judge (Spl. Court for PCR Act Cases), Madurai to consider the bail application of the petitioners on the same day of their surrender in Crime No.44 of 2024 on the file of the respondent Police.

For Petitioners	: Mr.R.Sundar
For R1 & R2	: Mr.B.Thanga Aravindh, Government Advocate(Crl.side)

ORDER

The petitioners are accused in Crime No.44 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 147, 148, 294(b), 323, 324, 355, 506(ii) IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2.The learned Government Advocate (Crl.side) appearing for the official respondents submits that the fourth petitioner herein is having six previous cases, out of which, four cases were closed and two cases are still pending. He further submits that insofar as other petitioners are concerned, there is no previous case pending against them.



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3.Considering the bad antecedents of the fourth petitioner, this Court is not inclined to issue a direction to the Court below. Accordingly, this petition is dismissed as far as the fourth petitioner is concerned.

4.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.

5.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 similar orders, the petitioner prays for similar directions.



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6.Considering the facts and circumstances and considering the fact that there is no previous case pending against the petitioner Nos.1, 2, 3, 5 & 6 and that the similar such orders passed by this Court, this petition is partly-allowed with a direction to the petitioner Nos.1, 2, 3, 5 & 6 to surrender within a period of two weeks from today before the III Additional District and Sessions Judge (Spl. Court for PCR Act Cases), Madurai and the learned Presiding Officer of the Special Court is directed to entertain the bail application if any filed by this petitioner Nos.1, 2, 3, 5 & 6 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.

12.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The III Additional District and Sessions Judge
(Spl. Court for PCR Act Cases), Madurai.
- 2.The Deputy Superintendent of Police (DSP),
Thirumangalam Sub Division,
Madurai District.
- 3.The Inspector of Police,
Koodakovil Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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