



CRL OP(MD). No.5291 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.5291 of 2024

Giri @ Sundar Rajan

Petitioner/Accused No.1

Vs

1.The Deputy Superintendent of Police,
Sivangani Taluk,
Sivagangai District.

2.State:
Rep. by the Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.
Crime No.19 of 2023

Respondents/Complainants 1 & 2

3.Raguman

3rd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Special Court for Exclusives Trial Cases for SC/ST (POA) Act, 1989, Sivagangai, to accept the surrender of the petitioner and consider his bail application on the same day on merits relating to Spl.S.C.No.83 of 2023 on the file of the Special Court for Exclusives Trial Cases for SC/ST (POA) Act, 1989, Sivagangai in Crime No.19 of 2023, dated 17.02.2023.



CRL OP(MD). No.5291 of 2024

For Petitioner
For R-1 & R-2

: Mr.S.M.Anantha Murugan
: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner is an accused in Spl.S.C.No.83 of 2023 on the file of the Special Court for Exclusives Trial Cases for SC/ST (POA) Act, 1989, Sivagangai for the offence under Sections 147, 148, 294(b), 323, 324, 506(ii) and 379 of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Sections 3(i)(r) and 3(i)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) 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.



CRL OP(MD), No.5291 of 2024

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 his surrender and therefore, by relying upon the similar orders, the petitioner prays 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 petitioner to surrender within a period of two weeks from today before the learned Special Court for Exclusives Trial Cases for SC/ST (POA) Act, 1989, Sivagangai and the Special Court is directed to entertain the bail application if any filed by this petitioner 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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CRL OP(MD). No.5291 of 2024

B.PUGALENDHI,J

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To

- 1.The Special Court for Exclusives Trial Cases
for SC/ST (POA) Act, 1989, Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivangani Taluk,
Sivagangai District.
- 3.The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CrI.O.P.(MD)No.5291 of 2024

05.04.2024