



Crl.O.P.(MD) No.5828 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.5828 of 2024

Aneesrahuman

... Petitioner

Vs

1. The Deputy Superintendent Of Police,
Ramanathapuram District.

2. The Inspector of Police,
Ramanathapuram District.

3. Poomari

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA)Act, Ramanathapuram District to accept the surrender of the petitioner in Crime No.53 of 2024 on the file of the 2nd Respondent and to consider the bail.

For Petitioner : Mr. K.Yasar Arafath

For Respondents : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)



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ORDER

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The petitioner is an accused in Crime No.53 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 304(A) IPC r/w Sections 7 & 9 of the Prohibition of Employment as Manual Scavengers and Rehabilitation Act, 2013 and Section 3(1)(j) of Scheduled Castes and the 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 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



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filed on the same day of their surrender and therefore, by relying upon the similar orders, the petitioner prays for similar directions.

4.The petitioner is the house owner and he has availed the service of the deceased for cleaning the Septic Tank. While cleaning the Septic Tank, the deceased died. Therefore, the aforesaid case has been registered against the petitioner. In these type of cases, the Government is providing Rs.10 lakhs to the deceased as compensation. The trial Court is directed to intimate the compensation to the deceased's family.

5.Considering the facts and circumstances of the case, 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 ***Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA)Act, Ramanathapuram District***, 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



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disposed on merits on the same day.

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6.This Criminal Original Petition is disposed of accordingly.

17.04.2024

NCC : Yes/No

Internet:Yes/No

Index:Yes/No

PNM

To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under SC/ST(POA)Act,
Ramanathapuram District.

2. The Deputy Superintendent Of Police,
Ramanathapuram District.

3. The Inspector of Police,
Ramanathapuram 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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