



Crl.O.P.(MD) No.5614 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.5614 of 2024

1. Pandi @ Periya Pandi
2. Tamilselvam
3. Veerakkumar
4. Kamalash Pandi

... Petitioners

Vs

1. The Deputy Superintendent Of Police,
Aruppukottai Taluk,
Virudhunagar District.
2. The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
Crime No. 54 of 2024.

3. Hemapriya

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Special Judge for SC/ST (POA) Act cases, Virudhunagar at Srivilliputhur to accept the surrender of the petitioners /



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Accused no.1 to 4 and consider their bail application on the same day in connection with crime no. 54 of 2024.

For Petitioners : Mr. G.. Mariappan

For Respondents : Mr. M.Sakthi Kumar
Government Advocate (Crl.Side)

section of law

ORDER

The petitioners are the accused in Crime No.54 of 2024 on the file of the respondent police. The said case was registered for the offence under Sections 294(b) and 323 IPC and Section 4 of TNPWH Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) 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 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.



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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 similar orders, the petitioners pray for similar directions.

4.In this case, during the temple festival the occurrence had been taken place. The learned Government Advocate (CrI.Side) submits that it is a case and counter case and the injured has sustained only simple injuries.

5.Considering the aforesaid submission, facts and circumstances of the case and 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 learned ***Special Judge for SC/ST (POA) Act cases, Virudhunagar at Srivilliputhur***, which in turn is directed to entertain the bail applications if any filed by the petitioners 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 Special Judge for SC/ST (POA) Act cases,
Virudhunagar at Srivilliputhur

2. The Deputy Superintendent Of Police,
Aruppukottai Taluk,
Virudhunagar District.

3. The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
Crime No. 54 of 2024.

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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